

Vision

To be a model bargaining council within the South African labour market and in the global arena.

Mission

- To promote integrated collective bargaining at national, sectoral and provincial levels of the Public Service.
- To provide mechanisms to ensure labour peace and stability in the Public Service.

Values

- We aim to work together as a team, encouraging cooperation and efficiency, both from ourselves and others around us.
- Mutual respect, trust and value for the people we serve and with whom we work.
- Commitment to be fair, ethical, trustworthy and accountable in all of our work.
- Commitment to the collective bargaining processes and the fair resolution of disputes.

Collective bargaining system for PSCBC and Sectoral Bargaining Councils:

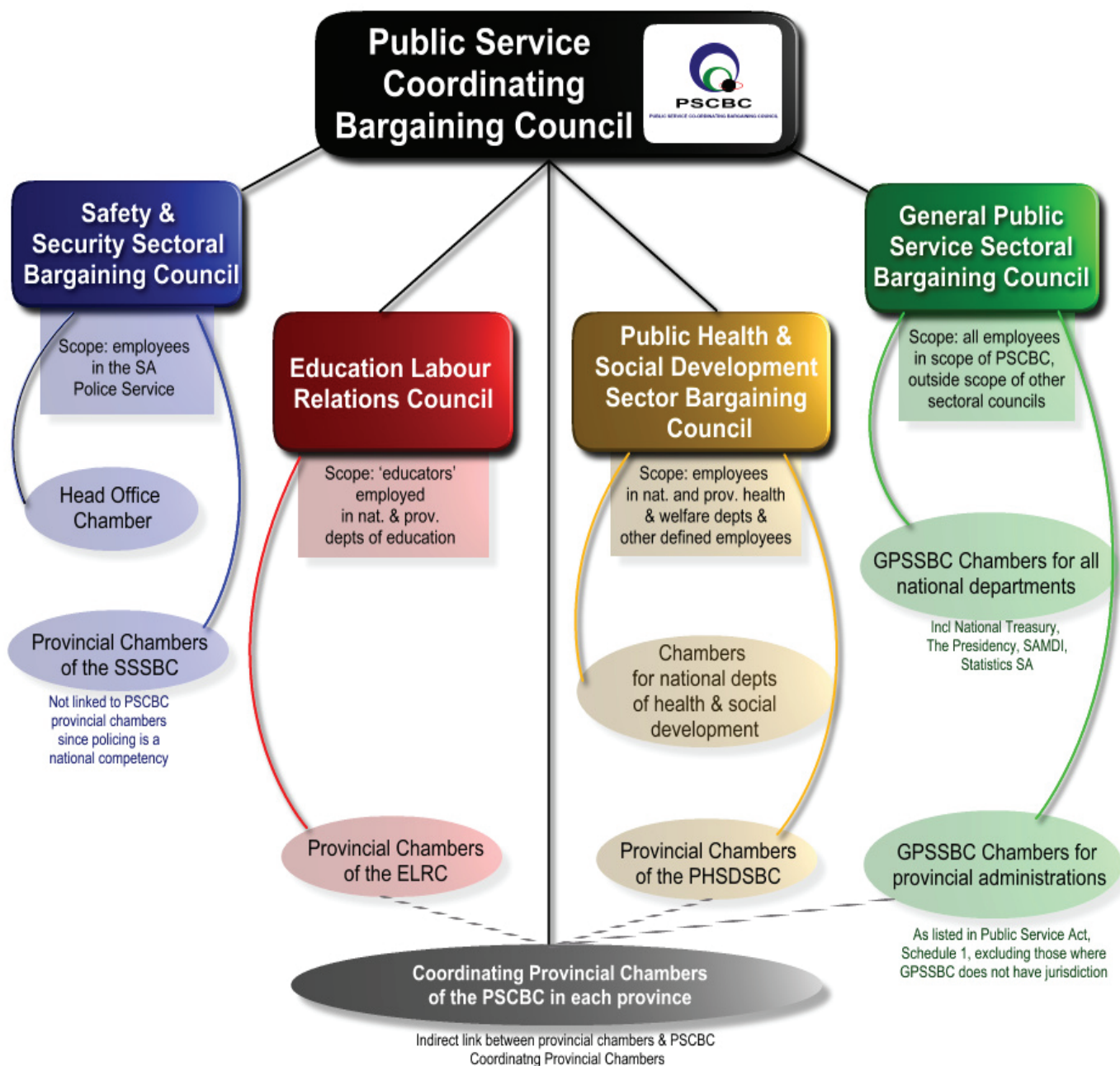


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GOVERNANCE STRUCTURE



1. GOVERNANCE STRUCTURE

1.1 Overview

The Public Service Co-ordinating Bargaining Council (Council), whose constitution was registered in October 1997, was established in terms of section 35 of the Labour Relations Act, No. 66 of 1995 (LRA) and was amended in October 2002 to address the new needs of Council.

In performing its function, the Council has the mandate to deal with matters that:

- (a) are regulated by uniform rules, norms and standards that apply across the Public Service; or
- (b) apply to terms and conditions that apply to two or more sectors; or
- (c) are assigned to the State as employer in respect of the Public Service that are not assigned to the State as employer in any sector.

In establishing the Council, the LRA sought to provide a platform for the social partners, – the State as the employer, and the Service Unions, representing approximately 1,3 million employees – to engage constructively over matters of mutual interest. In addition and similar to the bargaining councils in the private sector, the purpose of establishing the Council was to provide a forum, whose sole purpose is to create and maintain sound labour relations in the Public Service through, among others, the collective bargaining process.

This report provides an overview of the achievements of the Council from 1 April 2009 to 31 March 2010.

1.2 Objectives

In terms of its constitution, the Council has set for itself the objectives of enhancing labour peace, promoting good relations between the parties, providing a forum for the parties to engage in collective bargaining, and providing a mechanism for dispute prevention and resolution. The constitution also requires the Council to conclude, supervise and enforce collective bargaining agreements and deal with any other matters that may affect its organizational interest. The constitution also places the responsibility on the Council to promote effective communication and co-ordination between itself and the Sectoral Councils.

1.3 Powers and duties

The powers and duties of the Council are to:

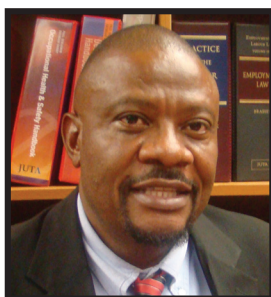
- (a) negotiate and conclude collective agreements in respect of matters regulated by section 36(2) of the Act, which may include negotiating minimum standards on such matters;
- (b) supervise and enforce collective agreements concluded in the Council;
- (c) prevent and resolve labour disputes;
- (d) resolve disputes between the parties to Council in terms of the Act and the dispute resolution procedures of the Council;
- (e) resolve the disputes of parties who are not parties to the Council, but who fall within the registered scope of the Council, in terms of section 51(3) of the Act and the dispute resolution procedures of the Council;

- (f) establish and administer a fund to be utilised for resolving disputes, collective bargaining and general administration of the Council and the Sectoral Councils;
- (g) develop proposals for submission to NEDLAC or any other appropriate forum on policy and legislation that may affect labour relations in the Public Service;
- (h) determine by collective agreement those matters which may not be an issue in dispute for strike or a lock-out;
- (i) designate sectors, vary their scope, amalgamate or disestablish Sectoral Councils in the Public Service;
- (j) co-ordinate, among the Sectoral Councils, and between such Councils and the Council, the functions and operations of such Councils, including those related to collective bargaining and administration;
- (k) determine, in consultation with Sectoral Councils, appropriate standards of financial control and service that such Councils must maintain;
- (l) provide operational services to Sectoral Councils, if they contribute to efficiency or administrative convenience, and are appropriate for the sharing of skills, expertise or resources, including the following:
 - (i) providing policy and guidelines regarding the appointment, training and payment of panelists;
 - (ii) management and maintenance of case management systems and policy;
 - (iii) training of users and parties regarding the dispute resolution framework in the Public Service;
 - (iv) provision to the public, the parties and the Sectoral Councils of information services relevant to the functions of the Council;
 - (v) providing accommodation to Sectoral Councils, except for the ELRC;
 - (vi) formulation and maintenance of human resources policy and systems for the Council and Sectoral Councils, and training of their staff;
 - (vii) collection of uniform levies from employees and the employer, and proportional disbursement of such levies to Sectoral Councils; and
 - (viii) the determination of uniform levies by the Council and the effective date thereof.
- (m) where a Sectoral Council becomes dysfunctional in the view of the Council, and in consultation with such Council, provide such assistance and fulfil such functions as are required;
- (n) raise, borrow, lend, levy and invest funds; and
- (o) exercise any other power or duty that may be necessary or desirable to achieve the objectives of the Council.

1.4 Leadership Structure

The constitution provides for the election/appointment of a Chairperson, Vice-Chairpersons of Council who serve for a 24 month term and the General Secretary.

Chairperson:



Mr M. Ravuku

Vice-Chairpersons:



Mr L. Modise (Labour)



Mr E. Phophi (Employer)



Mrs S. Huluman
(General Secretary PSCBC)

1.4.1 Executive Committee (EXCO)

In carrying out its mandate, the Council is assisted by the Executive Committee and the Finance Committee. The following members served on the Executive Committee:

Labour



V Dladla
POPCRU



L Gilbert
PSA



K Peane
SADTU



H Hendricks
NAPTOSA



N Jack
DENOSA



C Marule
NEHAWU



T Ntimane
SAPU



L Sotaka
NEHAWU

Employer



M Ntshikila
DPSA



S Geyer
DOE



J Griesel
SAPS



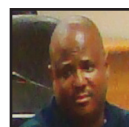
Z Mhlambo
DOH



T Siko
DPSA



S Ndlovu
KZN PROV



B Malwane
NORTH
WEST
PROV



J Cornwall
DOH

1.4.2 Finance Committee (FINCOM)

The Finance Committee comprises the following representatives:

Labour

MEMBER	ORGANISATION
C Marule	NEHAWU
P Ndala	POPCRU
T Gumbi	DENOSA
J Maluleke	SADTU

Employer

MEMBER	ORGANISATION
C Slabbert	SAPS
T Siko	DPSA
J Slater	DOE
P Masha	DPSA

1.5 Message from the Chairperson

“For to be free is not merely to cast off one’s chains, but to live in a way that respects and enhances the freedom of others” -Nelson Mandela



This annual report provides an overview of activities of the PSCBC during the financial year 2009/2010. At the last AGM, in June 2009, I was humbled when parties to PSCBC elected me for the second term as independent Chairperson.

During the year under review we witnessed industrial action by public servants as a result of the Occupation Specific Dispensation (OSDs) in various categories. This exerted the bargaining councils in the public service, particularly the public health, social development and education sectors, with much pressure to reach an amicable settlement on their respective OSDs. Resolution 5 of 2009, the agreement on the improvement of salaries for the financial year 2009/2010 was signed by all parties to Council, indicative of their satisfaction with the 11.5% salary adjustment for public service employees.

Emanating from Resolution 1 of 2007, as a means of strengthening social dialogue and negotiations and enhancing the ties between employer and labour towards the improvement of the public service, Council hosted a successful Public Service Summit from 11 to 13 March 2010 at the Inkosi Albert Luthuli International Convention Centre in Durban. The Summit was guided by a theme in which all parties collaborated that states **‘Positioning the Public Service towards a developmental state through effective service delivery’** and position papers delivered spoke to the theme. A declaration signed at the Summit is available from the PSCBC offices. I must commend the Secretariat for their efforts and hard work to ensure that this Summit was a success.

Preparations for the 2nd Biennial Labour Relations conference for the Public service are well underway as the PSCBC and the Office of the Public Service Commission is on track to host another successful event. This event will once again provide a suitable platform and an opportunity for the interaction between labour relations practitioners (both employer and labour representatives) and other stakeholders in the field of labour relations in the Public service. The event is scheduled to take place in the new financial year.

Furthermore allow me to elaborate on the strides made in the implementation of the National Pensions Restructuring Project resurrected from Resolution 12 of 2002. The National Pensions task team has conducted quite a number of workshops thus far and significant progress has been made in so far as ensuring that provincial task teams are established and empowered with resources to carry out the tasks set out for this project to run effectively and efficiently.

During 2009 we were privileged to host various delegations from the SADC region Zimbabwe, Sudan and the Netherlands. It is our privilege to be visited by our counterparts from other countries and to share our experiences with them. Representatives of Council also attended the World Congress of the International Industrial Relations Association in Sydney, Australia, where they interact with academics and practitioners from all over the global, engaging in debate and dialogue of workplace labour relations issues. These visits further build our cooperative strategy and lay a firm foundation for regional and international relations and support.

The year has been filled with trials and tribulations but was also filled with triumph as we worked at achieving the many aims set out for the PSCBC. This dedication has generated five (5) signed collective agreements for 2009 and 2 signed collective agreements for 2010.

There are many challenges that lie ahead of Council, to mention a few, a critical review of governance structures, the capacity of negotiators to take governance and management decisions, the authority of the General Secretary vis-à-vis the Executive Committee and Council, the funding of Council, and a review of PSCBC Constitution to provide for sound corporate governance and dispute prevention mechanisms.

I'd like to take this final opportunity to thank the members of the Executive Committee (EXCO), the Financial committee (FINCOM), members of Council, Secretariat staff and all the parties for their dedication and hard work towards the improvement of labour relations in the public service.

Working in this organisation has been a great experience and I'm honoured to have been a part of the revolution for a transformed public service. I wish my successor, all the best in providing the appropriate strategic guidance to the Council.

MESHACK RAVUKU
CHAIRPERSON: PSCBC
31 MARCH 2010

1.6 Message from the General Secretary to PSCBC

“He who is not courageous enough to take risks will accomplish nothing in life.” Muhammad Ali



This annual report which encapsulates the activities of Council for the period 1 April 2009 to 31 March 2010, is presented to the 13th Annual General Meeting.

As I write this message my thoughts dwell over the departure of our Chairperson, my friend, my colleague and my mentor Mr. Meshack Ravuku who resigned effective from 03 March 2010. I've learnt many things about mediation and conciliation from him and I'm humbled to have walked through this journey with him. I would like to wish him all the best in his future endeavors and hope that he continues to fight for labour justice for our country and its people.

On that note, allow me to express my excitement as I present to you this 12th Annual Report for the 2009/2010 financial year. It has been a year full of challenges and tremendous pressure as we worked tirelessly to ensure the finalization of the various Occupation Specific Dispensations (OSDs) in the different sector councils. The end product of the commitment from the parties was the signing of Resolution 5 of 2009 which enjoyed full majority. We have also signed amongst the numerous collective agreements Resolution 2 of 2009 which saw the renewed partnerships between parties to enhance collective bargaining processes towards reaching an agreement of the OSD's.

During the year under review the PSCBC has signed the following collective agreements:

Resolution 2 of 2009 – Adoption of Declaration on Occupation Specific Dispensations as agreed to at Birchwood workshop held on 11 June 2010;

Resolution 3 of 2009 – Agreement on revised salary structure for employees on Salary Levels 1 -12 not covered by Occupation Specific Dispensation;

Resolution 4 of 2009 – Appointment of a Panel of Conciliators and Arbitrators;

Resolution 5 of 2009 – Agreement on the improvement in salaries for the Financial Year 2009/2010;

Resolution 1 of 2010 – Amendments to PSCBC Resolution 5 of 2009: Timeframes for 2010/2011 salary negotiations;

Resolution 2 of 2010 – Amendments to PSCBC Resolution 1 of 2005: Agency Shop Agreement.

Another milestone that we've achieved is the hosting of the Public Sector Summit which was held at the Inkosi Albert Luthuli ICC in Durban from 11 to 13 March 2010. The Summit was guided by the theme “Positioning the Public Service towards a developmental state through effective service delivery” as agreed to by all parties.

The focal point for the Summit was strengthening relations between parties to ensure that they are ready to undertake on the transformation of the public service task. This platform also enabled discussions on a number of issues engulfing the public service.

The main areas discussed in the various commissions were as follows:

- ✓ Resourcing the public service;
- ✓ Outsourcing and agentisation;
- ✓ Performance and productivity in the public service;
- ✓ Working environment; and
- ✓ Remuneration policy and strengthening collective bargaining in the public service.

The summit culminated in the signing of a declaration by the Minister of Public Service and Administration, as well as leaders of the admitted trade unions. The declaration will be adopted as a collective agreement and an implementation plan will be submitted to Council.

During 2009/2010 parties have started a new round of salary negotiations for all public servants for the 2010/2011 financial year.

It is part of our cooperative strategy that we strengthen ties with other organizations in the labour relations field both locally and internationally. The PSCBC are privileged to have hosted various international delegations during the past financial year. This year we hosted delegations from Sudan, Netherlands and Zimbabwe and shared information on both the structures of PSCBC and other sector bargaining councils. It remains an honor for the PSCBC to empower people with our knowledge.

The PSCBC Provincial Chambers have been working very hard in all nine (9) provinces addressing various labour relations matters arising in each province.

The Industrial Relations Association of South Africa (IRASA) invited delegates to attend an IRASA breakfast seminar that took place in May 2009. The topic discussed was "How to minimize retrenchments during recession". The event was well attended by delegates such as Mr. Moshawa Modise (Executive Member of IRASA), Mr. Derrick Poe (MERSETA), Mr. Dennis George (President of FEDUSA), Ms. Tanya Cohen (BUSA) and Mr. Neil Newman (Department of Labour), and Ms. Nerine Kahn (Director of CCMA).

The past year saw an increase of 17% in the number of cases received at the PSCBC, reflecting an increase in the numbers from 549 in 2009 to 640 in 2010. An increase of 21% was reflected in cases handled within the entire public service.

As part of the PSCBC dispute prevention strategy, and in line with strategic objectives of Council, workshops have been conducted for all labour relations practitioners involved in dispute resolution from both employer and labour sides. The workshops were held in all nine (9) provinces.

Preparations for the 2nd biennial labour relations conference for the public service to be co-hosted by the PSCBC and the Office of the Public Service Commission is well under way and the event is scheduled to take place during the next financial year. The theme of the conference is "Sustaining dialogue on the Integration and Coordination of Labour Relations in the Public Service".

As part of its contribution to the government's broad objectives on restitution and transformation, the PSCBC has embarked on the implementation of the final phase of the process to provide recognition of non pensionable service as pensionable years of service for those public servants affected by past discriminatory pension practices. The national pensions task team plans to launch the Pensions restructuring programme during May 2010. The redress programme was adopted by way of 2 resolutions signed in the PSCBC, namely: Resolutions 7 of 1999 and 12 of 2002. Provincial and departmental task teams have been established in every province and training workshops were conducted.

On an annual basis we embark on an important social responsibility where the PSCBC together with our sector councils participate in the Cell C Take a Girl Child to Work Day. This year we hosted 20 Grade 12 learners from the Dr. W.H. Nkomo High School in Attridgeville. The learners were treated to short learning sessions with the various sectors who imparted their general knowledge and motivation to the girls to study and work hard towards a bright future. We also treated the girls to some warm gifts and a glimpse of the operations of the PSCBC as they attended a Council meeting. A word of thanks to parties, sectors and staff for welcoming the girls in their respective work environments, and for taking part in this important initiative to build the future leaders of our country.

On a sad note we bid farewell to some of our staff members, namely: Mr. Louis Ramakulukusha (Senior HR Officer), Mr. Sithembile Lupindo (HR Administrator). We were also very excited about the appointment of Ms Johanna Mapola (former General Assistant/Cleaner) who has been appointed as HR Administrator. Johanna worked her way up in PSCBC through the bursaries awarded to her for HR Management. We also welcomed Mr. Andries Baloyi, the new Senior Human Resources Officer, Mr. Henri Kalonji: IT Engineer, Mr. Obakeng Segoa, as Senior Officer: Finance, Mrs. Rekha Sooknunan as Finance Administrator, Mrs. Ruth Molaudzi (Internal Promotion), Logistics and Administration Officer, Mr. Mashudu Nkosi, Senior Officer: Dispute Resolution. Indeed we have grown as an organisation and I'd like to welcome all new staff to our family. I hope we will have a successful working partnership.

Delegations of authority are yet to be approved by Council, which also affects the management of the Council and my work directly. Many policies e.g. Finance, Procurement and HR policies have been redrafted to reflect proper delegations and these are yet to be considered and approved by Exco and Council. Co-ordination of Sector Councils remains a challenge and Council needs to provide strategic and political direction in this regard.

The review of Resolution 5 of 2003 with respect to levy increases and the relationship with sectors in respect to provision of services is a huge challenge for the coming year, as we are experiencing financial strain. The levy income has remained stagnant for the last seven years. A comprehensive motivation for a levy increase has been submitted to Council and last two AGM's, with no progress yet on an increase.

Amidst all the pressure we endure in the quest of ensuring that our parties and the public service we serve receive our utmost dedication and commitment. Though it was a challenging year we can surely say that we have achieved our objectives and more. On this note I'd like to thank all PSCBC staff for their hard work, parties for yet another successful year and we hope that this financial year becomes a success.

SHAMIRA HULUMAN

GENERAL SECRETARY: PSCBC

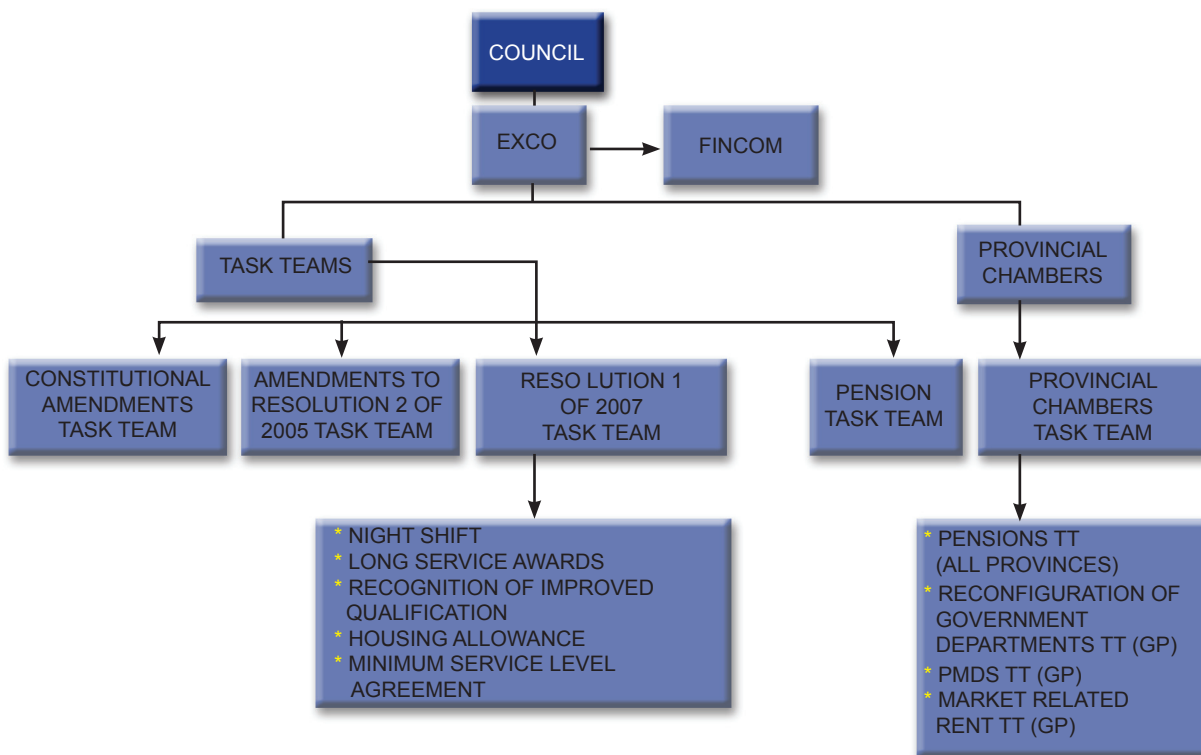
31 MARCH 2010

COLLECTIVE BARGAINING



2. COLLECTIVE BARGAINING AND CONSULTATIVE PROCESSES

Structure: Collective Bargaining and Consultative Processes 2009/10



2.1 Introduction

The Negotiations Support Section (NSS) offers administrative support services by arranging meetings of Council, provincial chambers, committees and task teams established by Council in order for Council to achieve its strategic objective on effective and efficient bargaining.

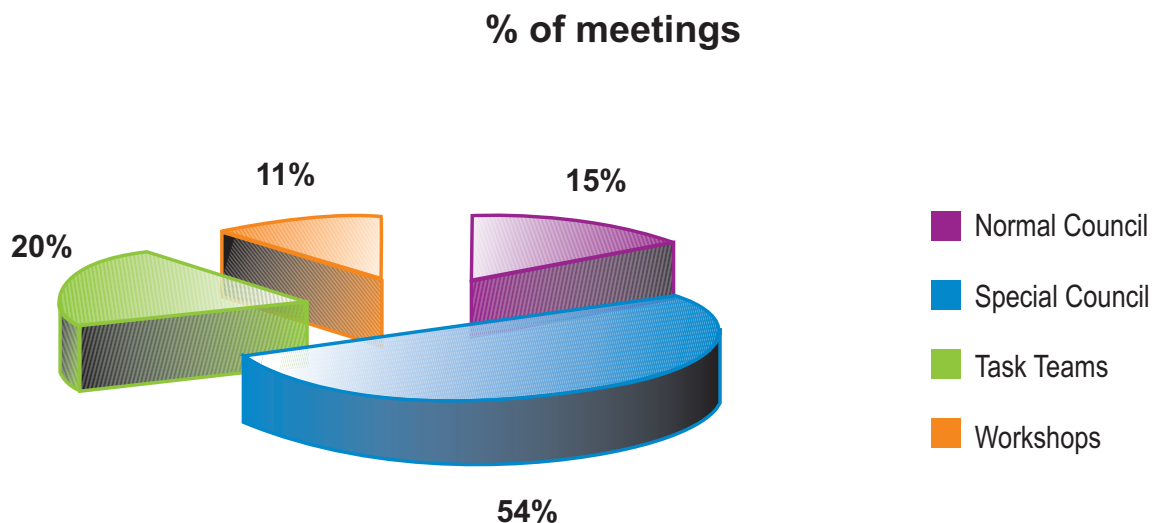
The section is also responsible for amongst others, the implementation of the provisions of the constitution, the implementation of relevant sections of the procedure manual, and to ensure optimal functioning of the various structures of Council.

2.2 Vision of Negotiations Support and Committee Work Section

The NSS has, as its vision, the provision and high quality administrative support to the negotiations and consultative processes of the PSCBC.

2.3 Meetings and Task Teams

The following diagram illustrates the number of meetings held during the period under review:



2.4 Bargaining Matters

The Council engaged on the following matters during the period under review:

MATTER	PROCESS	PERFORMANCE RESULT/ OUTCOME
Constitutional Amendments	Council agreed that the task teams be revived and resume with its duties immediately after the 2010/2011 salary negotiations.	Work in progress
Amendments to Resolution 2 of 2005	Council agreed that the matter be referred to Strategic Planning for further discussion.	Work in progress
2nd Biennial Labour Relations Conference for the Public Service	Council agreed to host the 2 nd Biennial Labour Relations Conference in August 2010.	Planning currently underway
Governance Committee	Council agreed to establish a task team to look at the terms of reference of the committee.	Work in progress
Public Service Summit 2010	Council hosted the Public Service Summit from 11-13 March 2010 and a declaration was signed in this regard.	Achieved

MATTER	PROCESS	PERFORMANCE RESULT/ OUTCOME
Resolution 7 of 1998 and 12 of 2002: Pension restructuring	Council agreed that the cut-off date for submission of application forms be extended to 31 August 2010 and that the forms be rolled out from the 1st April 2010. Workshops were successfully held in all the 9 provinces with provincial chambers and all national departments.	Work in progress
Relocation of the Department of Correctional Services to Scope of SSSBC	Council agreed that the matter remains on the agenda as it is part of the Public Service Summit Declaration Implementation Plan.	Work in progress
Amendments to Resolution 5 of 2003	Meetings were convened with the Sectors, to discuss items that should be relinquished to sectors in terms of Resolution 5 of 2003. Sectors to give feedback.	Work in progress
Motivation for Levy increase	The Secretariat presented a comprehensive motivation for levy increase which was considered by EXCO and FINCOM.	Work in progress
Increase in Agency Fee	Council agreed to sign a Resolution on the matter. Resolution 2 of 2010 was signed by a majority of the parties.	Achieved
Strategic Planning Session	Council agreed that the Strategic Planning Session would be convened at the end of May 2010 in Gauteng province, over 3 full days.	Work in progress
Clarity on the Scope of the ELRC: FET Sectors	Council agreed to seek a legal opinion from Bowman Gilfillan Incorporated on the matter.	Work in progress
Changes to the Structure of Government	Council amended the framework document that was presented by the Employer and agreed to sign a resolution on the matter.	Achieved

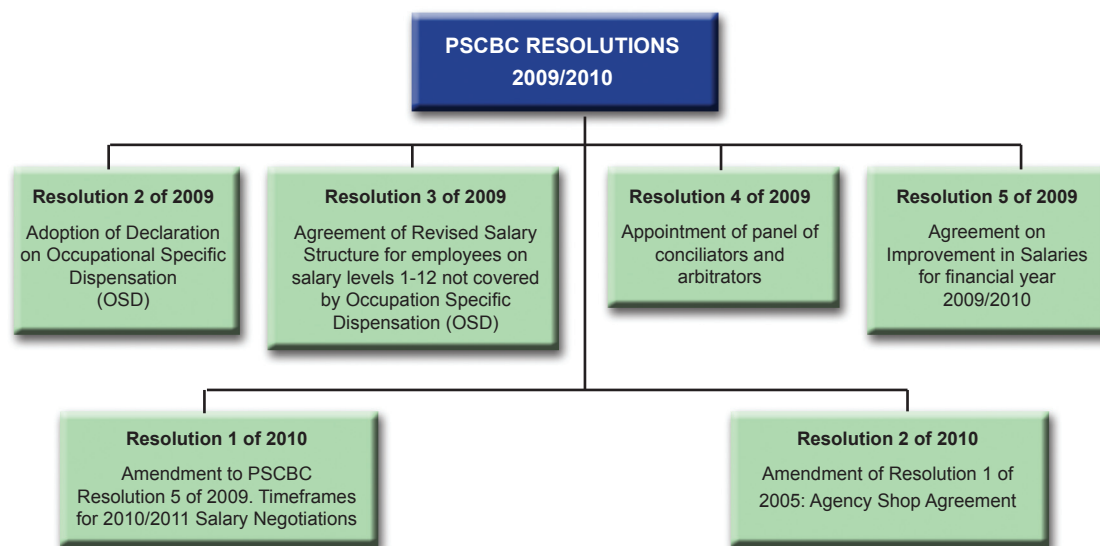
Implementation of Resolution 1 of 2007

Resolution on conditions of Service was signed by majority of parties. Council adopted action plan on implementation of Resolution 1 of 2007. The following outstanding matters were discussed:

Housing Allowance Review	The matter is still being discussed at Council level.	Work in progress
Long Service Awards	The matter is still being discussed at Council level.	Work in progress
Recognition of improved qualifications	The matter is still being discussed at Council level.	Work in progress
Night shift Allowance	The matter is still being discussed at Council level.	Work in progress
Minimum Service Level Agreement	The matter is still being discussed at Council level.	Work in progress

2.5 Resolutions 2009/10

The following resolutions were concluded during the period under review:



2.6 Task Teams

The task teams established in terms of clause 18 of the Council constitution were intended to assist and provide support to the collective bargaining process. In this regard, task teams provided better-informed and more constructive engagement in dealing with complex and often highly technical tasks facing Council.

Some task teams were established to implement aspects of agreements of Council, while others carry out specific tasks for Council.

2.6.1 The following task teams were established in terms of collective agreements as signed in Council:

- Pensions Restructuring Task Team (Resolution 7 of 1998 & 12 of 2002)

During the period under review the task team dealt with the process to recognise non-pensionable services as pensionable years of service for public servants affected by past discriminatory practices. National and provincial workshops were held, whereby Provincial and National chambers were trained on the roll out process. The 2nd round of workshops to determine the readiness of the provinces will be held during the next financial year.

2.6.2 The following task teams were established in terms of the Resolution 1 of 2007:

During the period under review, Council agreed that all matters emanating from Resolution 1 of 2007 should be elevated to the level of Council for negotiations. The following matters were elevated to Council for negotiations:

- Nightshift Allowance
- Recognition of improved qualifications
- Long Service Awards
- Minimum Service Level Agreement
- Housing Allowance Review

Constitutional Amendments Task Team

A task team was established in the previous financial year. The task team could not meet during the year under review due to negotiations on salaries and OSD's. The task team will conclude on its mandate, to be finalized in the next financial year.

Amendments to Resolution 2 of 2005 Task Team

During the year under review the task team accomplished its mandate. It tabled its recommendations on amendments to Resolution 2 of 2005 to Council and the matter was referred to Strategic Planning for further discussion.

2.7 Workshops 2009

Two workshops were held during the year under review. Both workshops were named Birchwood (Birchwood 1 and Birchwood 2). The first workshop was held on 11 June 2009 and the second workshop was held on 15 and 16 October 2009.

A Resolution was signed on Birchwood 1 on the 12th June 2009; which covers the following areas:

- Occupational specific dispensation
- Wage negotiations
- Need for monitoring and evaluating collective agreements
- Budgetary process and collective bargaining.

During Birchwood 2, parties deliberated on the following:

- Impact of the global recession
- Negotiations approach
- Process for the closure of OSD's
- Outstanding issues from Resolution 1 of 2007
- Process for 2010/2011 salary negotiations

A resolution was drafted in this regard and will be finalised in the next financial year.



3. PROVINCIAL CO-ORDINATING CHAMBERS OF THE COUNCIL

3.1 Background

The Provincial Co-ordinating Chambers of the Council were established during April - June 2004 in all nine provinces in terms of Resolution 9 of 2003 as amended by Resolution 2 of 2005. Resolution 2 of 2005 provides clarity on the functioning of the Council provincial chambers.

During the period under review, the Council provided secretariat services to the following provinces: Gauteng, North West, Northern Cape, KwaZulu Natal, Eastern Cape, Western Cape and Mpumalanga,

The Employer provides secretariat services to the following provinces: Free State and Limpopo.

3.2 Office-Bearers of the Provincial Chambers

The office-bearers of the Provincial Chambers who are responsible for co-ordination at the provincial levels are:

Province	Management Committee Members
Eastern Cape	Chairperson: D Jaxa Vice-Chairperson: M Mazisiwe (Employer) Vice-Chairperson: T Koya (Labour) Secretary: D Rambau (PSCBC)
Free State	Chairperson: D Theron Vice-Chairperson: M Sani (Employer) Vice-Chairperson: L Strydom (Labour). Secretary: R Thurston (Seconded by Employer)
Gauteng	Chairperson: A Monyela Vice-Chairperson: S Moteme (Employer) Vice-Chairperson: S Khanyeza (Labour) Secretary: M Mallane (PSCBC)
KwaZulu-Natal	Chairperson: A van Schalkwyk Vice-Chairperson: Vacant (Employer) Vice-Chairperson: C Lekgoathi (Labour) Secretary: M Mallane (PSCBC)
Limpopo	Chairperson: M Chilwane Vice-Chairperson: S Ntwampe (Employer) Vice-Chairperson: J Marumo (Labour) Secretary: I Kutama (Seconded by Employer)
Mpumalanga	Chairperson: M Mogoboya Vice-Chairperson: M Khumalo (Employer) Vice-Chairperson: C Nkambule (Labour). Secretary: D Rambau (PSCBC)

Province	Management Committee Members
North West	Chairperson: N Molemi Vice-Chairperson: L Olota (Employer) Vice-Chairperson: Vacant (Labour) Secretary: M Mallane (PSCBC)
Northern Cape	Chairperson: T Ntsheno (Acting) Vice-Chairperson: Vacant (Employer) Vice-Chairperson: W Olivier (Labour) Secretary: D Rambau (PSCBC)
Western Cape	Chairperson: D Jacobs Vice-Chairperson: S Faker (Employer) Vice-Chairperson: M Zaaz (Labour) Secretary: M Mallane (PSCBC)

3.3 Matters for Bargaining/Consultation

The period under review covers the activities, operations and functioning of the provincial chambers. Provincial chambers engaged in several negotiations and consultative processes. Other provincial chambers were faced with fundamental challenges, such as not being able to finalise items that have been on the agendas for too long and failure to reach consensus on the matters.

The matters considered during the period under review by the various provincial chambers appear in the table below:

Eastern Cape Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
HROPT/Judge Browde White Commission	The Commission of enquiry was assigned to review any appointment or promotion, award of any terms or conditions of service or benefits which occurred between April 1993 and September 1994. The employer embarked on an extensive audit and provided their inputs on the HROPT/ Judge White Commission's report.	Work in progress
Recognition of Pensionable Services for Casual/ General Assistants	The item was submitted by Labour raising concerns about the outstanding amount for the General/casual assistants. A consultative meeting was conducted. The PSCBC had a workshop in this regard clarifying the chamber on the implementation process.	Work in progress
Leave Policy	The policy was tabled by the employer at the chamber for inputs from labour. Parties are awaiting the approval of the Cabinet Committee to be finalised in the next financial year.	Work in progress
OSD: Resolution 1 of 2007	Labour raised a concern with regard to the implementation of Resolution 1 of 2007 regarding the payment of OSDs. The employer tabled a progress report which agreed to by labour.	Achieved
Provincial Public Service Transformation Strategy	The Strategy is guided by the Public Service Act 2007 and Public Service Administration Management Bill of 2008. It takes into consideration the spirit of the Single Public Service. The Province will embark on a Provincial Summit at the end of May 2010 and Labour will be invited.	Achieved

Free State Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Request for Job Evaluation in cases where the Rank/Leg Promotions were abolished (carried over from previous reporting period)	Item initially submitted by Labour to request Employer to intervene – abolishment of rank/leg system resulted in officials having the same job description and being remunerated on different levels within the same environment. Labour to provide Employer with a list of affected employees Employer to provide Labour with consolidated report before 31/03/09. Consolidated report provided by Employer, Labour to deal with cases at departmental level, if no joy then back to Chamber.	Work in progress
Non-compliance with Act 56 of 2001 - Act on the Regulation of the Private Security Industry (carried over from previous reporting period)	Item initially submitted by Labour to ensure that Employer complies. Issue was the subject of litigation at the Constitutional Court. The issue raised in court was the very question whether in house security officers need to be registered with PSIRA. Employer to do an assessment of the situation amongst employees in the security environment. Court ruled that all employees (incl. government) performing security services whether in house or not should be registered with Council. Employer informed employees.	Achieved
Provincial Task Team on Pensions Restructuring (carried over from previous reporting period)	Acting Secretary initially tabled item. Informed Chamber that the PSCBC at its meeting of 29/05/08 took a decision that the Pensions Task Teams at provincial level should be revived. Representation clarified. Chairperson and the 2 Vice-Chairpersons attended a Provincial Task Team meeting on Pensions Restructuring in Pretoria on 20/01/09. Chairperson and 2 Vice-Chairpersons expected to train task team members in the province. Workshop was scheduled for 17/02/09, but postponed by PSCBC. Workshop re-scheduled for 03/12/09. Purpose - to train the task team representatives in provinces on the roll-out of the project. Implementing roll-out, cut-off date extended to 31/08/2010.	Work in progress
Election of Chairperson and Vice-Chairpersons	Acting Secretary tabled item. Term of office of Chair/Vice-Chairpersons due to expire. Candidates re-elected – Mr. D Theron (Employer): Chairperson, Mr. M.S Sani (Vice-Chairperson: Employer) & Mr. L Strydom of NAPTOSA (Vice-Chairperson: Labour) - (terms of office were initially extended)	Achieved

Provincial Vote Weights: CCPFSP	Item placed on agenda for record purposes by Acting Secretary. Provincial vote weights report as at 31/12/08 that was received from the PSCBC on 17/08/09 for the Free State Province was e-mailed to parties the same day.	Achieved
Job Evaluation Implementation Strategy Free State: Admittance of unions as observers to Job Evaluation Panels	PSA tabled item. Requested to sit in as observers on JE Panels. Also wanted to form part of JE Quality Assurance Committee meetings. Employer acceded to first request. As regards the second request, Employer indicated that those meetings are merely administrative structures involved in preparing submissions for the JE Panel. Labour to be informed of dates of JE Panel meetings.	Achieved
Re-alignment of departmental structures and processes	The Employer tabled a draft letter for Labour's input to be distributed to departments. It was anticipated that there may be some degree of anxiety amongst officials and the letter hence sought to allay the fears officials might have. The letter set out principals to be followed throughout the process and also the issue of employment security in terms of any restructuring that may follow. The brief was to improve service delivery. That is the overriding principle to ensure that all departments are aligned to the priorities of government and that they are optimally structured to ensure that service delivery takes place and that there is a significant improvement in the ability to deliver services. Labour to provide their input / suggestions on the draft letter.	Achieved
Amendments to Organizational Rights Agreement: FS	NEHAWU tabled the matter and proposed certain amendments to the agreement which was concluded in the former FS Provincial Bargaining Council. Said Agreement formed part of those agreements forwarded to the PSCBC on request when the Chambers were established in provinces. Agreement was deemed to be ratified. Employer to consider proposed amendments and report back to the Chamber.	Work in progress
Non-compliance with PSCBC Resolution 3/1999 Part XXXVI, Paragraph 4.3 {read with Public Service Regulation Part V.C/C.4}	PSA tabled the matter. Indicated that many job evaluations in the Departments of Health and Education were outstanding and hence not implemented. Should a shortage of funds be the reason for not upgrading officials, then the Employer is compelled to adhere to the stipulations of PSCBC Resolution 3/1999. Requested the Employer, with the agreement of the affected employees to re-align their job descriptions in order to comply with the principle of equal pay for equal work. Employer undertook to investigate the issue and obtain the number of posts in all departments that have been approved for upgrading and the reasons why that has not materialized as yet. Employer to submit information to Labour by 17/02/2010.	Work in progress

Affect of the non-filling of vacant funded posts on existing staff's work load	PSA tabled the matter. Indicated that the non-filling of vacant funded posts has already led to a situation whereby employees are expected to also perform the additional work coupled to said posts without any form of remuneration. The practice is prevalent in all departments. The PSA said that it strongly believes that the Employer must ensure that staff only perform the duties attached to their job descriptions (equal work for equal pay) and must ensure by means of fair processes and measures that no additional work is performed outside this scope. The concern of Labour that funded vacant posts result in an additional workload to other officials in a particular environment will be communicated to heads of department and members of the Executive Council. Labour to present the Employer with specific cases as stated above, which will then be investigated and reported on in the Chamber.	Work in progress
Year Calendar: CCPFSP: 2010	Acting Secretary tabled item. Presented to Chamber for consideration and adoption. Adopted as presented.	Achieved
Presentation: HR Connect	Employer tabled matter. Indicated that HR Connect is a project being launched by DPSA of which the Free State is a pilot site for the project. 6 Departments are participating in the project. Project Managers have been appointed from the identified departments forming a provincial project team. The rest of the departments will be roped in at the conclusion of the project. The project started 1 November 2009 and will run up until 31 March 2010. HR Connect is going to be a skills audit. It is just a system used by government to manage human resources better. Presentation made to Labour. Follow-up training for Labour in next meeting.	Work in progress

Gauteng Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
PDMS Review	Labour reported inconsistencies with the implementation of the PMDS Policy and requested that the PMDS task team be revived to deal with the matter. A task team was established to look into the matter. After considering the task team report, parties at the chamber agreed that there was no need for a PMDS review, and that the implementation of the current policy should be monitored.	Achieved
Pension Task Team Report	Progress report was tabled to the Chamber on the status of the PSCBC Pensions Restructuring Task Team.	Work in progress
Market related rent	The task team reported that significant progress has been made and parties agree to the criteria in principle.	Item removed from the agenda

KwaZulu/Natal Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Provincial Persal Policy	The purpose of the policy is to regulate and manage the usage of the Persal system in the provincial departments. Labour requested time to consult their constituencies and give inputs.	Work in progress
Election of Chairperson and Vice-Chairperson	Parties had a mandate to elect the new management committee of the chamber. The following persons were elected: Chairperson: Mr Andre Van Schalkwyk. Vice Chairperson (Labour): Mr Cassim Lekgoathi. The Employer will pronounce the name of the Vice Chairperson in the next Chamber meeting.	Achieved
Provincial policy on 2010 Soccer World Cup for Public Servants	The Employer presented the policy and reported that the purpose of the policy is to consult labour before implementation of the policies. Labour submitted their inputs which will be incorporated into the Policy.	Work in progress
Provincial Policy on the acceptance of gifts, awards, sponsorship, donation and hospitality by employees.	The Employer presented the policy to parties and reported that the purpose is to consult labour before implementation. Labour submitted inputs which will be incorporated into the Policy.	Work in progress

Limpopo Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
PMDS Policy	The matter was deliberated and inputs were incorporated into the policy. Research is still in process.	Work in progress
Remunerative Work outside Employment Polic	Labour to forward inputs to the Employer.	Work in progress
Parking Bay Policy	Parties did not reach consensus on the matter. Labour did not support the Parking Bay policy.	Item removed from the agenda
Restructuring of Departments	Parties agreed that bilateral will be held to resolve the matter. Outcomes of the bilateral will be tabled at the next chamber meeting.	Work in progress
Pensions Redress	Task team was established to ensure that PSCBC Res. 7/1998 and 12/2002 is implemented. Consultative meetings were held.	Work in progress

Mpumalanga Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Provincial PMDS	The Employer tabled the PMDS Policy for consultation and inputs. Parties agreed to adopt the policy with an understanding that the annexure still needs to be finalized.	Achieved. Policy to be finalised as soon as annexure is approved.
Provincial Parking Policy	The Employer tabled the parking policy to the Chamber for consultation and requested inputs from Labour. Labour rejected the policy based on the fact that it does not accommodate the employees' needs.	Item removed from the agenda
Retention Strategy Policy	Item was submitted to the Employer with the intention of consulting labour.	Work in progress
Upgrading of levels	The Employer investigated the matter and the finding was that there are discrepancies on payments of salaries for admin clerks. The Employer will liaise with the DPSA to resolve the problem.	Work in progress
Merging of Departments	The departmental task team was established to monitor the process. The Chamber will monitor the process on an ongoing basis.	Achieved

North West Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Reconfiguration of Provincial Departments	The Employer tabled a consultation framework. A task team was established to look into the framework.	Work in progress
Reincorporation of Merafong into Gauteng Province	The Employer provided a background regarding this matter, indicating that the process will require collaboration with Labour. The process should be finalized by 31 March 2010. A task team was established to look into the matter.	Work in progress
Leave Policy, HR Procurement Policy, Employment Policy, Working Time Policy, Termination of Service Policy	The Employer presented the policies and stated that they have been amended as per the Public Service Act. The Employer is still awaiting inputs from Labour.	Work in progress
Meeting of Trade Unions during office hours	The Employer raised a concern that Unions call meetings at random without any regards to section 12(2) of the LRA. Parties agreed that the letter should be withdrawn and replaced by the current legislation that is prescribed by the LRA.	Item removed from the agenda
Departmental Realignment process	The Employer tabled the Realignment Policy and invited Labour to submit inputs. After consultations between parties, Labour showed dissatisfaction with the content of the policy and therefore did not accept the policy. Parties agreed that the matter be put in abeyance to allow parties to continue with negotiations outside the Chamber.	Work in progress
Medical Boarding of employees of North West Province	Labour raised a concern regarding the long periods that employees in the North-West government have to wait for medical boarding. Parties agreed that the Employer provide a detailed, written report containing all the required information in this regard.	Work in progress

Northern Cape Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Policies on Employment Equity	A consultative meeting were held. A service provider was outsourced to finalise the process.	Work in progress
Policies on Recruitment and Selection	A consultative meeting were held. A service provider was outsourced to finalise the process.	Work in progress
Policies on Sexual Harassment	A consultative meeting were held. A service provider was outsourced to finalise the process.	Work in progress
Policies on Staff Retentions	A consultative meeting were held. A service provider was outsourced to finalise the process.	Work in progress
Policies on Settlement Cost	A consultative meeting were held. A service provider was outsourced to finalise the process.	Work in progress
Standby Policy	A consultative meeting were held. A service provider was outsourced to finalise the process.	Work in progress
Reconfiguration of Staff from one Department to another	Consultative meetings were held and some departments were merged	Achieved. The matter was removed from the agenda.

Western Cape Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Evaluation of Salary levels for clerks	The Employer was requested to consult with their principals and report about the matter at GPSSBC. The Employer consulted and provided a report back as agreed.	Achieved
Policy of Incapacity Leave and Ill Health Retirement	Labour raised a concern regarding the way the policy is being implemented in the Department of Education. Parties agreed that the item be deferred to the relevant Sectoral Bargaining Council.	Item was removed from the agenda
Modernisation of the PGWC	The Employer informed Labour of its intention to modernize the Province. Consultation took place and parties agreed on the Structure, HR Guiding principles & Personnel Plans of the Departments of Social Development, Environmental Affairs & Developmental Planning, Local Government & Housing.	Achieved
Election of Chairpersons	Labour requested that the Employer submit their nomination as the delay is destabilizing the Chamber. Parties agreed that the Employer will submit their nomination at the next Chamber meeting.	Work in progress

4. TRADE UNION MEMBERSHIP TO COUNCIL

4.1 PSCBC Constitutional Provision

Clause 7.1 and 7.2 of the PSCBC Constitution provides the following:

“7.1 Any single trade union party may apply for admission to the Council if it:

- (a) meets the threshold requirement of 50 000 members; and
- (b) is admitted to a Sectoral Council.

7.2 Any two or more trade unions acting together as a single party (referred to as a combined trade union party), may apply for admission to the Council if:

- (a) their combined membership meets the threshold requirement of 50 000 members; and
- (b) each constituent party of the combined trade union party, on its own or acting together (as a single party), is admitted to a Sectoral Council.”

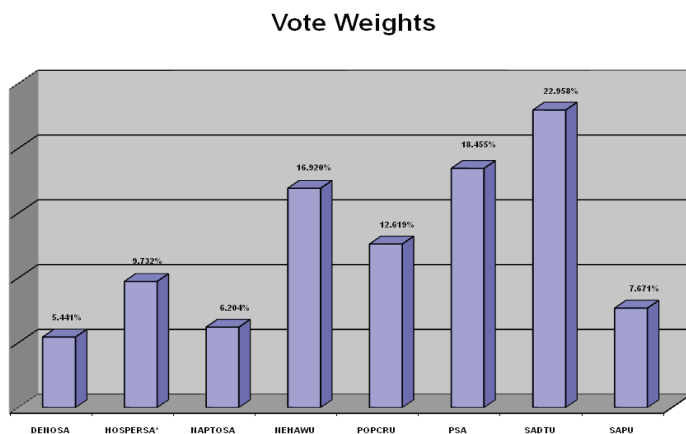
4.2 Admitted Unions to Council

In terms of the annual review of membership, the following trade unions were admitted to Council in terms of Clause 7 and 8 of PSCBC Constitution for the period June 2008 to June 2009:

- DENOSA acting together with SAMA, as DENOSA
- HOSPERSA, NUPSAW and NATU acting together as HOSPERSA/NUPSAW/NATU
- NAPTOSA acting together with SAOU, as NAPTOSA (as of 1 November 2006)
- NEHAWU acting together with PAWUSA, as NEHAWU
- POPCRU acting together with SASAWU and SADNU, as POPCRU
- PSA acting together UNIPSA and NPSWU, as PSA.
- SADTU acting together with CTPA, as SADTU.
- SAPU acting together with PEU, as SAPU.

The following graph reflects the percentage of national vote weights per union for the period 2007 – 2009:

4.3 PSCBC National Vote Weights and Membership



DENOSA	5.441%
HOSPERSA*	9.732%
NAPTOSA	6.204%
NEHAWU	16.920%
POPCRU	12.619%
PSA	18.455%
SADTU	22.958%
SAPU	7.671%

Footnote: * Includes NATU and NUPSAW as acting together parties

NATIONAL								
PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
MEMBERSHIP STATISTICS								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		54,937				54,937		
SAMA	93	6,241				6,334		
TOTAL	93	61,178	0	0	0	61,271	5.748%	3
HOSPERSA		40,033	3,224	130	3,331	46,718		
NATU			7		32,865	32,872		
NUPSAW		11,172	12,124		989	24,285		
TOTAL	0	51,205	15,355	130	37,185	103,875	9.745%	5
NAPTOSA					42,548	42,548		
SAOU					22,523	22,523		
TOTAL	0	0	0	0	65,071	65,071	6.105%	3
NEHAWU		88,551	76,212			164,763		
PAWUSA		5,857	10,765	12	169	16,803		
TOTAL	0	94,408	86,977	12	169	181,566	17.033%	5
POPCRU			34,287	91,445		125,732		
SASAWU		2,085	5,755			7,840		
SADNU		9,122	10			9,132		
TOTAL	0	11,207	40,052	91,445	0	142,704	13.388%	5
PSA		52,530	106,117	10,265	10,248	179,160		
UNIPSAWU		680	1,807			2,487		
NPSWU		6,407	1,107			7,514		
TOTAL	0	59,617	109,031	10,265	10,248	189,161	17.746%	5
SADTU					237,571	237,571		
CTPA					4,815	4,815		
TOTAL	0	0	0	0	242,386	242,386	22.739%	5
SAPU				63,249		63,249		
PEU					16,653	16,653		
TOTAL	0	0	0	63,249	16,653	79,902	7.496%	4
GRAND TOTAL	93	277,615	251,415	165,101	371,712	1,065,936	100.000%	35

PROVINCIAL VOTE WEIGHTS



PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- EASTERN CAPE								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		7,887	6		3	7,896		
SAMA		497			1	498		
TOTAL	0	8,384	6	0	4	8,394	6.854%	
HOSPERSA		4,681	253		1,530	6,464		
NATU					390	390		
NUPSAW		368	596		34	998		
TOTAL	0	5,049	849	0	1,954	7,852	6.411%	
NAPTOSA		3			8,583	8,586		
SAOU					1,385	1,385		
TOTAL	0	3	0	0	9,968	9,971	8.142%	
NEHAWU		12,027	9,046		90	21,163		
PAWUSA		1,367	1,227		60	2,654		
TOTAL	0	13,394	10,273	0	150	23,817	19.447%	
POPCRU		40	324		6	370		
SASAWU		1,701	1,847		75	3,623		
SADNU		2,662				2,662		
TOTAL	0	4,403	2,171	0	81	6,655	5.434%	
PSA		6,293	7,150		3,980	17,423		
UNIPSAWU						-		
NPSWU						-		
TOTAL	0	6,293	7,150	0	3,980	17,423	14.226%	
SADTU		4	49		47,299	47,352		
CTPA			3		937	940		
TOTAL	0	4	52	0	48,236	48,292	39.432%	
SAPU		3	5			8		
PEU			57			57		
TOTAL	0	3	62	0	0	65	0.053%	
GRAND TOTAL	0	37,533	20,563	-	64,373	122,469	100.000%	0

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- FREE STATE								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		2,395	8			2,403		
SAMA		389				389		
TOTAL	0	2,784	8	0	0	2,792	5.062%	
HOSPERSA		1,748	241		471	2,460		
NATU					107	107		
NUPSAW		9	6		1	16		
TOTAL	0	1,757	247	0	579	2,583	4.683%	
NAPTOSA			1		4,547	4,548		
SAOU					3,826	3,826		
TOTAL	0	0	1	0	8,373	8,374	15.181%	
NEHAWU		6,240	5,467		17	11,724		
PAWUSA		181	293		4	478		
TOTAL	0	6,421	5,760	0	21	12,202	22.121%	
POPCRU		24	522		3	549		
SASAWU		97	238		79	414		
SADNU		1,203				1,203		
TOTAL	0	1,324	760	0	82	2,166	3.927%	
PSA		5,414	6,241		883	12,538		
UNIPSAWU						-		
NPSWU		2				2		
TOTAL	0	5,416	6,241	0	883	12,540	22.734%	
SADTU					14,302	14,302		
CTPA					186	186		
TOTAL	0	0	0	0	14,488	14,488	26.265%	
SAPU		5	3			8		
PEU					7	7		
TOTAL	0	5	3	0	7	15	0.027%	
GRAND TOTAL	0	17,707	13,020	-	24,433	55,160	100.000%	0

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS - GAUTENG								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		11,756	9			11,765		
SAMA		1,864				1,864		
TOTAL	0	13,620	9	0	0	13,629	12.174%	
HOSPERSA		7,806	195		27	8,028		
NATU					696	696		
NUPSAW		1,177	426		40	1,643		
TOTAL	0	8,983	621	0	763	10,367	9.261%	
NAPTOSA		2			10,171	10,173		
SAOU					6,643	6,643		
TOTAL	0	2	0	0	16,814	16,816	15.021%	
NEHAWU		15,956	7,119		17	23,092		
PAWUSA		102	315		16	433		
TOTAL	0	16,058	7,434	0	33	23,525	21.014%	
POPCRU		57	502		7	566		
SASAWU		113	406		27	546		
SADNU		1,025				1,025		
TOTAL	0	1,195	908	0	34	2,137	1.909%	
PSA		5,255	9,880		701	15,836		
UNIPSAWU			1			1		
NPSWU		732	4			736		
TOTAL	0	5,987	9,885	0	701	16,573	14.804%	
SADTU					25,498	25,498		
CTPA					27	27		
TOTAL	0	0	0	0	25,525	25,525	22.801%	
SAPU		13	18		2	33		
PEU		1			3,342	3,343		
TOTAL	0	14	18	0	3,344	3,376	3.016%	

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- KZN								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		11,254	6		2	11,262		
SAMA		1,517				1,517		
TOTAL	0	12,771	6	0	2	12,779	7.183%	
HOSPERSA		10,060	1,854		1,276	13,190		
NATU		5	16		25,336	25,357		
NUPSAW		5,729	4,120		290	10,139		
TOTAL	0	15,794	5,990	0	26,902	48,686	27.367%	
NAPTOSA					5,713	5,713		
SAOU					994	994		
TOTAL	0	0	0	0	6,707	6,707	3.770%	
NEHAWU		17,983	4,597		17	22,597		
PAWUSA		302	843		8	1,153		
TOTAL	0	18,285	5,440	0	25	23,750	13.350%	
POPCRU		24	210		20	254		
SASAWU		202	79		119	400		
SADNU		1,790				1,790		
TOTAL	0	2,016	289	0	139	2,444	1.374%	
PSA		15,282	8,580		4,006	27,868		
UNIPSAWU						-		
NPSWU		5,604	1,128		35	6,767		
TOTAL	0	20,886	9,708	0	4,041	34,635	19.469%	
SADTU		1	3		48,880	48,884		
CTPA					3	3		
TOTAL	0	1	3	0	48,883	48,887	27.480%	
SAPU		7	7			14		
PEU						-		
TOTAL	0	7	7	0	0	14	0.008%	
GRAND TOTAL	0	69,760	21,443	-	86,699	177,902	100.000%	0

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL							
PROVINCIAL MEMBERSHIP STATISTICS- LIMPOPO							
AS AT 31 DECEMBER 2008							
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL	
	SANDF						CLAUSE 11
DENOSA		6,855	11			6,866	
SAMA		437				437	
TOTAL	0	7,292	11	0	0	7,303	6.958%
HOSPERSA		5,337	41		6	5,384	
NATU			1		33	34	
NUPSAW		842	1,049		19	1,910	
TOTAL	0	6,179	1,091	0	58	7,328	6.982%
NAPTOSA		1			625	626	
SAOU					1,187	1,187	
TOTAL	0	1	0	0	1,812	1,813	1.727%
NEHAWU		11,114	8,579		6	19,699	
PAWUSA		27	490		7	524	
TOTAL	0	11,141	9,069	0	13	20,223	19.268%
POPCRU		18	468		24	510	
SASAWU		34	12		5	51	
SADNU		1,096				1,096	
TOTAL	0	1,148	480	0	29	1,657	1.579%
PSA		4,343	7,727		379	12,449	
UNIPSAWU		633	1,305		20	1,958	
NPSWU		56	2			58	
TOTAL	0	5,032	9,034	0	399	14,465	13.782%
SADTU			3		42,480	42,483	
CTPA						-	
TOTAL	0	0	3	0	42,480	42,483	40.477%
SAPU			359		1	360	
PEU					9,325	9,325	
TOTAL	0	0	359	0	9,326	9,685	9.228%
GRAND TOTAL	0	30,793	20,047	-	54,117	104,957	100.000%

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- MPUMALANGA								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		3,424	3			3,427		
SAMA		221				221		
TOTAL	0	3,645	3	0	0	3,648	5.577%	
HOSPERSA		2,547	35		4	2,586		
NATU			3		1,297	1,300		
NUPSAW		283	144		7	434		
TOTAL	0	2,830	182	0	1,308	4,320	6.604%	
NAPTOSA			1		2,730	2,731		
SAOU					2,099	2,099		
TOTAL	0	0	1	0	4,829	4,830	7.384%	
NEHAWU		7,189	10,459		22	17,670		
PAWUSA		5	64			69		
TOTAL	0	7,194	10,523	0	22	17,739	27.119%	
POPCRU		4	503		3	510		
SASAWU		14	99		15	128		
SADNU		420	1			421		
TOTAL	0	438	603	0	18	1,059	1.619%	
PSA		2,599	4,829		553	7,981		
UNIPSAWU		68	168		4	240		
NPSWU						-		
TOTAL	0	2,667	4,997	0	557	8,221	12.568%	
SADTU			9		23,393	23,402		
CTPA					3	3		
TOTAL	0	0	9	0	23,396	23,405	35.781%	
SAPU		1	33		1	22		
PEU					2,155	2,155		
TOTAL	0	1	33	0	2,156	2,190	3.348%	
GRAND TOTAL	0	16,775	16,351	-	32,286	65,412	100.000%	0

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- NORTH WEST								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		4,113	5			4,118		
SAMA		225				225		
TOTAL	0	4,338	5	0	0	4,343	7.949%	
HOSPERSA		1,879	45		6	1,930		
NATU						-		
NUPSAW		511	521		41	1,073		
TOTAL	0	2,390	566	0	47	3,003	5.496%	
NAPTOSA			2		3,310	3,312		
SAOU					2,106	2,106		
TOTAL	0	0	2	0	5,416	5,418	9.916%	
NEHAWU		7,219	4,428		29	11,676		
PAWUSA		44	225		3	272		
TOTAL	0	7,263	4,653	0	32	11,948	21.867%	
POPCRU		16	255			271		
SASAWU		17	528		11	556		
SADNU		578				578		
TOTAL	0	611	783	0	11	1,405	2.571%	
PSA		2,591	6,150		396	9,137		
UNIPSAWU						-		
NPSWU		1				1		
TOTAL	0	2,592	6,150	0	396	9,138	16.724%	
SADTU		5	27		17,893	17,925		
CTPA		1			13	14		
TOTAL	0	6	27	0	17,906	17,939	32.832%	
SAPU		4	6		1	11		
PEU		2			1,432	1,434		
TOTAL	0	6	6	0	1,433	1,445	2.645%	
GRAND TOTAL	0	17,206	12,192	-	25,241	54,639	100.000%	0

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- NORTHERN CAPE								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		1,304	1			1,305		
SAMA		104				104		
TOTAL	0	1,408	1	0	0	1,409	6.543%	
HOSPERSA		1,116	29		4	1,149		
NATU						-		
NUPSAW		61	45			106		
TOTAL	0	1,177	74	0	4	1,255	5.828%	
NAPTOSA					843	843		
SAOU					1,299	1,299		
TOTAL	0	0	0	0	2,142	2,142	9.947%	
NEHAWU		1,906	1,738		6	3,650		
PAWUSA		864	901		19	1,784		
TOTAL	0	2,770	2,639	0	25	5,434	25.235%	
POPCRU		4	155			159		
SASAWU		20	79			99		
SADNU		277				277		
TOTAL	0	301	234	0	0	535	2.484%	
PSA		1,386	2,613		224	4,223		
UNIPSAWU						-		
NPSWU		1				1		
TOTAL	0	1,387	2,613	0	224	4,224	19.615%	
SADTU			3		5,752	5,755		
CTPA					670	670		
TOTAL	0	0	3	0	6,422	6,425	29.837%	
SAPU			3			3		
PEU					107	107		
TOTAL	0	0	3	0	107	110	0.511%	
GRAND TOTAL	0	7,043	5,567	-	8,924	21,534	100.000%	0

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL								
PROVINCIAL MEMBERSHIP STATISTICS- WESTERN CAPE								
AS AT 31 DECEMBER 2008								
TRADE UNION		MEMBERSHIP CLAUSE 10					VOTE WEIGHT	REPS
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF						CLAUSE 11	CLAUSE 12
DENOSA		5,440	13		1	5,454		
SAMA		972	1			973		
TOTAL	0	6,412	14	0	1	6,427	10.219%	
HOSPERSA		4,663	323		129	5,115		
NATU					1	1		
NUPSAW		2,021	156		400	2,577		
TOTAL	0	6,684	479	0	530	7,693	12.232%	
NAPTOSA		3			6,073	6,076		
SAOU					2,965	2,965		
TOTAL	0	3	0	0	9,038	9,041	14.376%	
NEHAWU		4,888	2,671		10	7,569		
PAWUSA		2,957	3,424		69	6,450		
TOTAL	0	7,845	6,095	0	79	14,019	22.291%	
POPCRU		27	133		7	167		
SASAWU		1	4		1	6		
SADNU		52				52		
TOTAL	0	80	137	0	8	225	0.358%	
PSA		5,169	4,315		304	9,788		
UNIPSAWU						-		
NPSWU		1				1		
TOTAL	0	5,170	4,315	0	304	9,789	15.565%	
SADTU		1	1		12,722	12,724		
CTPA					2,964	2,964		
TOTAL	0	1	1	0	15,686	15,688	24.945%	
SAPU		7	2			9		
PEU						-		
TOTAL	0	7	2	0	0	9	0.014%	
GRAND TOTAL	0	26,202	11,043	-	25,646	62,891	100.000%	0

DISPUTE MANAGEMENT



5. DISPUTE MANAGEMENT

Overview

Historically, the PSCBC had the lowest case load within the public service sector given the types of disputes referred to it; however the case load increased dramatically over the past two years. Presently, the case load is already soaring by 19% from the 2008/9 period.

The most prevalent category of disputes referred to the PSCBC relates to the interpretation or application of collective agreements. These are mainly individual disputes referred in terms of section 24 of the LRA, the most common of which being disputes regarding the interpretation or application of the following collective agreements:

- *PSCBC Resolution 14 of 2002* (49%) specifically on one aspect namely, non-compliance with the timeframes in the grievance procedure. The bulk of which are referred against the Department of Health (33%), Department of Education (15%) and the Department of Justice (13%).
- *PSCBC Resolution 7 of 2000* (18%) primarily on leave issues. These disputes cut across all the departments with a larger proportion referred against the South African Police Service (SAPS).

It is a matter of grave concern that the rise to the case load is, to a large extent, a result of an increase in the number of disputes emanating from the grievance procedure (Resolution 14 of 2002) which was primarily aimed at preventing disputes at workplace level. It is undoubtedly a fact that the parties use this process to put pressure on the employer in cases where the issue in dispute does not fall within the Labour Relations Act (LRA) prescripts. This places considerable strain on the limited resources of the Council as a large amount of resources are wasted on these disputes which could be prevented and resolved at the workplace level without the intervention of the Council.

The introduction of the telephone pre-conciliation has made significant progress in this regard and we are happy to report that a substantial number (35%) of the cases relating to Resolution 14 of 2002 were resolved through this process before any hearing thus reducing the dispute resolution costs by 17%.

In 2009 the department focused on dispute prevention intervention as one of the key strategic objectives of the Council. Workshops were successfully conducted nationally for the Labour Relations Practitioners in the public service and various dispute prevention initiatives explored to formulate appropriate interventions in order to address key challenges.

We are dedicated to our mission of providing effective and efficient secretariat services to the Council, in order to achieve the organisation's strategic objectives of providing effective and efficient dispute management and prevention which underpins the key areas that the dispute management department should accomplish.

5.1 Operational report

5.1.1 CCMA Accreditation

The CCMA extended the accreditation period until 30 June 2010 in order to afford the council more time to meet some of the efficiencies and conditions attached to it including utilizing independent, impartial and competent panellists who are fully representative of the demographics of the country.

The CCMA emphasized the importance to meet these conditions, failing which, according to the CCMA, accreditation may be revoked.

5.1.2 CCMA Subsidy

At the end of 2009 we received an amount of R33 300 from the CCMA in respect of the subsidy claims for the period March to December 2009. The CCMA subsidy is granted to Bargaining Councils in accordance with Section 132 of the LRA at a prescribed fee of R450 for every completed case including arbitration awards rendered and settled cases.

The number of cases that qualified for subsidy payment are indicated on the table below.

Period	No. of cases x R450 per case	Amount paid
Mar – Jun 2009	21	R 9 450.00
July – Sept 2009	21	R 9 450.00
Oct – Dec 2009	32	R 14,400.00
Total	74	R 33 300.00

The subsidy payment will be of great use to the Dispute Management department in view of the rise of the dispute resolution costs.

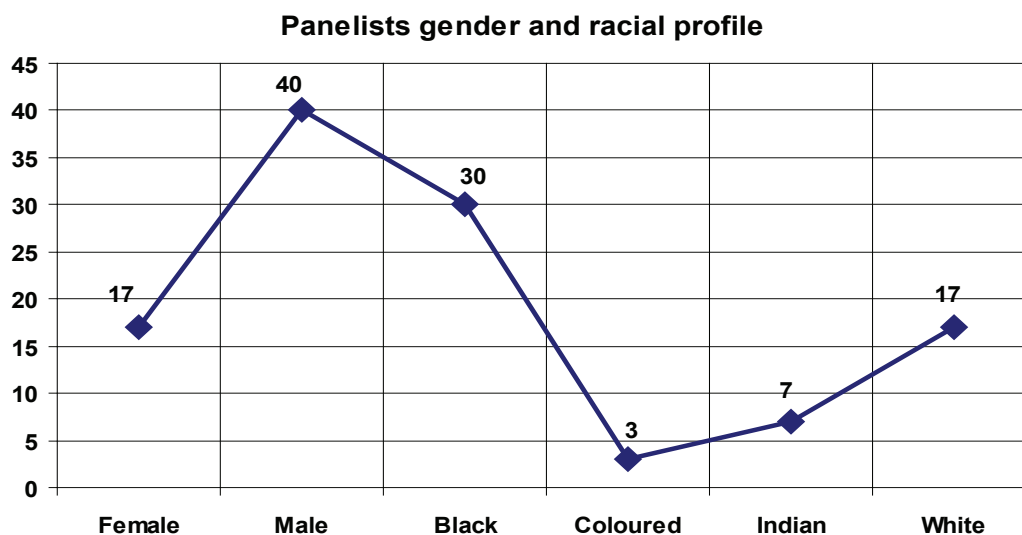
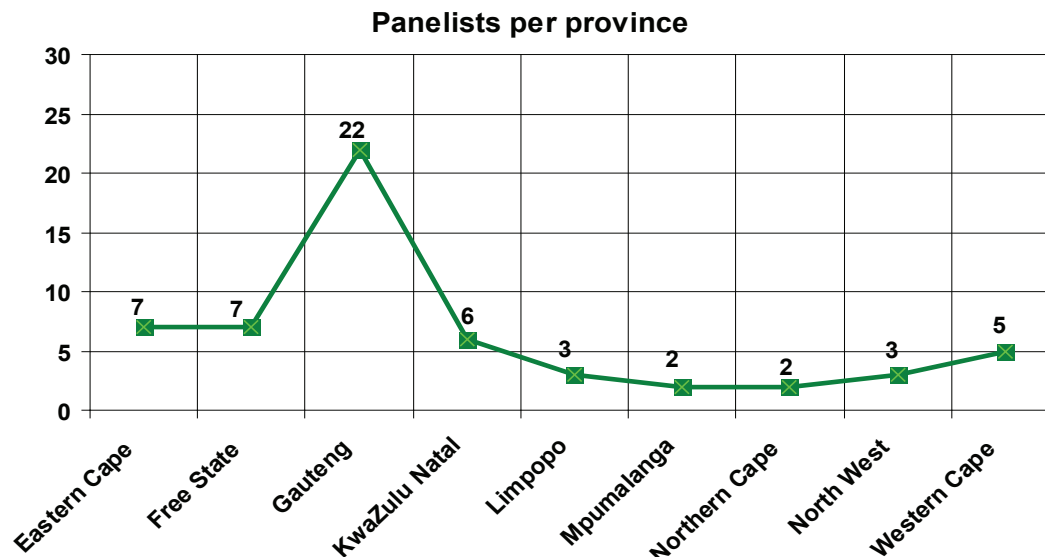
5.1.3 Panel of conciliators and arbitrators

The dispute management department faced challenges regarding the shortage of panellists to conduct conciliations and arbitrations in certain provinces as a result additional panellists were headhunted and appointed at the Annual General Meeting (AGM) in June 2009 to increase the panel. A total of 57 panellists were appointed onto the PSCBC panel of conciliators and arbitrators for the period 1 April 2009 to 31 March 2010.

There were other pertinent issues which also required attention such as the reviewal of the panellists fee. Workshops were therefore held by the PSCBC and Sector Councils with a view to jointly review the panellist fee which was last increased in 2006. The main objective is to adopt a joint strategy and formulate a standardized fee for services rendered by panellists to meet the changing circumstances in the labour market.

Various notable factors such as the market rate, effects of the global economic downswings, supply and demand and performance motivators were explored to determine an equitable fee. The Dispute Resolution Committee has been established as a result to oversee this process which is envisaged to be finalised in the upcoming year.

The panelist profiles for the period 2008/2010 are illustrated by the graphs below:



5.2 Dispute Prevention Interventions

5.2.1 Workshops for parties to Councils

In pursuit of the dispute prevention interventions, the PSCBC embarked on empowering initiatives in 2009 and developed a manual for Labour Relations practitioners in the public service. The manual was designed to address the challenges faced by parties with respect to different practices applicable to the individual councils and was presented at the workshops held in February to November 2009.

The objectives of the workshops and the manual were the following:

- to empower the parties to council to understand and know dispute resolution and to learn the legalities of hearings and Labour Law in general;

- to assist labour relations officers and union representatives to acquire a better understanding of the importance and basic principles of proper preparation for conciliation and arbitration hearings;
- to engender an understanding of the application of the rules of the bargaining councils (and other relevant factors) in the public sector; and
- to provide a practical guideline that can be used on a daily basis to enhance performance and service delivery and even to prevent disputes on various levels.

The topics covered issues of application of the Labour Relations Act (LRA), jurisdiction of Councils and other dispute resolution bodies, dispute resolution processes, law of evidence, practice and procedure etc.

In addition to areas that require training, the need to train more people, especially more of the (senior) managerial staff, was identified by all provinces.

The workshops, together with the manual have undoubtedly achieved in the main the objectives that we set out to achieve.

To further ensure that the strategic objectives of Council are fulfilled a range of alternative dispute prevention interventions were identified in consultation with the CCMA. A training needs analysis will be conducted to identify specific areas that need to be addressed to ensure that the necessary training relevant to each region is provided in the upcoming year.

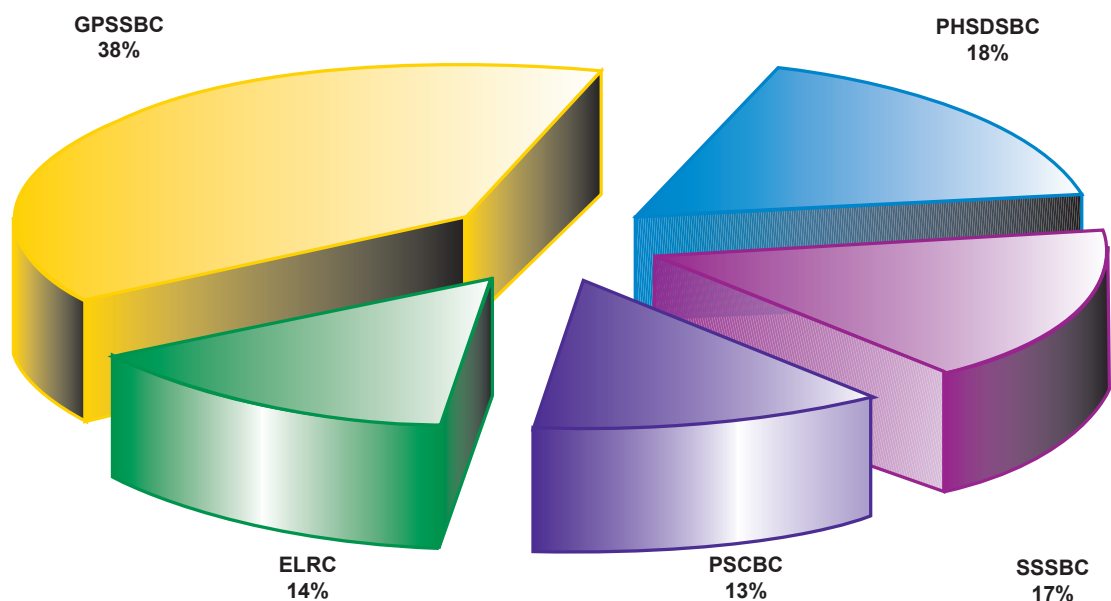


5.3 Statistics¹

The PSCBC and sector councils (GPSSBC, SSSBC, PHSDSBC and the ELRC) received a total of 4871 referrals (including not properly referred cases, cases transferred by the CCMA in terms of section 147 (2) of the LRA and out of jurisdiction cases) for the period 1 April 2009 to 31 March 2010. This signifies an overall caseload increase of 20% in the number of disputes referred in the public service in comparison with the 2008/2009 period.

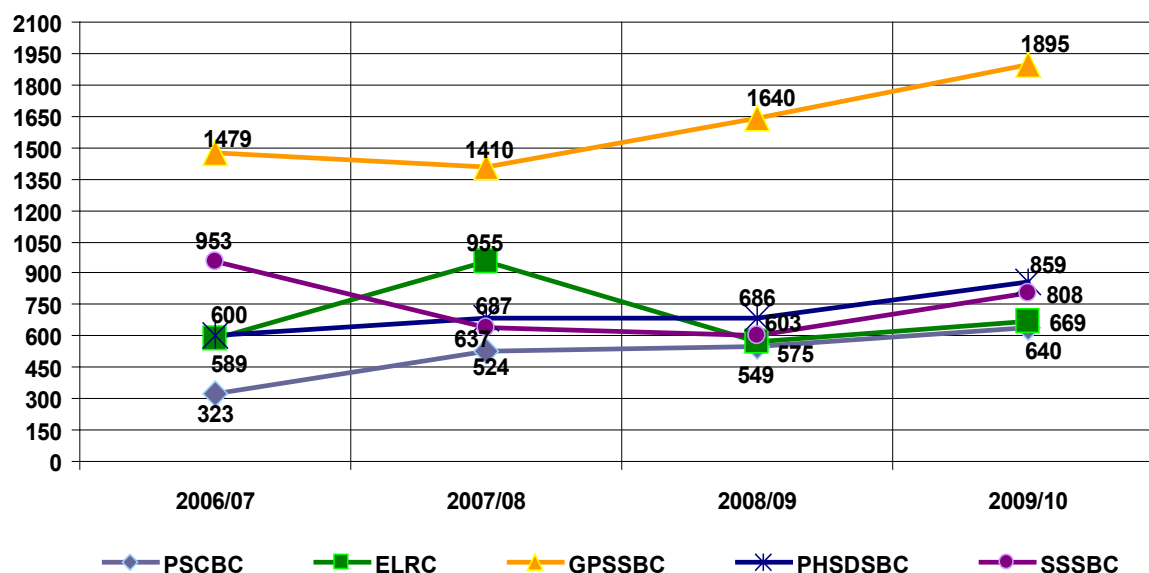
Number of cases referred from 1 April 2009 to 31 March 2010 per Council			
Councils	Number of cases	Transferred by the CCMA	Out of Jurisdiction before any process
PSCBC	640	5	102
ELRC	669	18	69
GPSSBC	1895	26	176
PHSDSBC	859	9	98
SSSBC	808	13	18
Total	4871	71	463

The percentages of cases received by the various Public Service Bargaining Councils in relation to the total number of cases received is illustrated below:



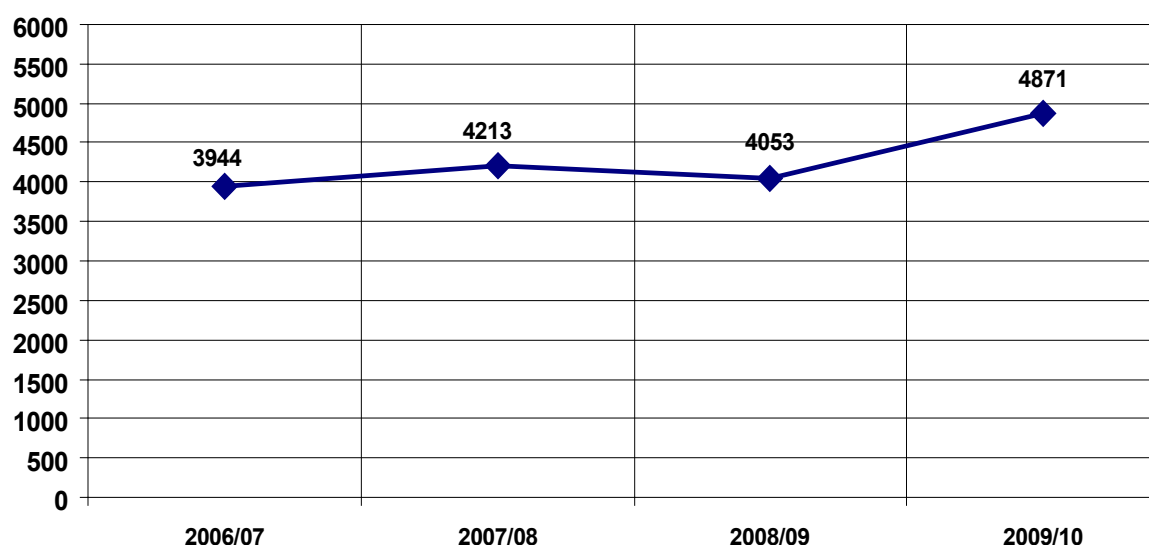
¹ Statistics drawn from the Case Management System (CMS) report as provided by the CCMA as well as the annual reports for the current review period as provided by the GPSSBC and ELRC.

Number of cases referred to PSCBC and Sectors in the past four years



The comparison between the past four years show a decline in the case load in both the SSSBC and the GPSSBC during the 2007/2008 period and a very sharp increase in the ELRC. In 2008/2009 the case load declined in the ELRC whilst it increased in all the councils. A steady increase was observed in all Councils in the 2009/2010 period.

Total number of disputes referred in the past four years

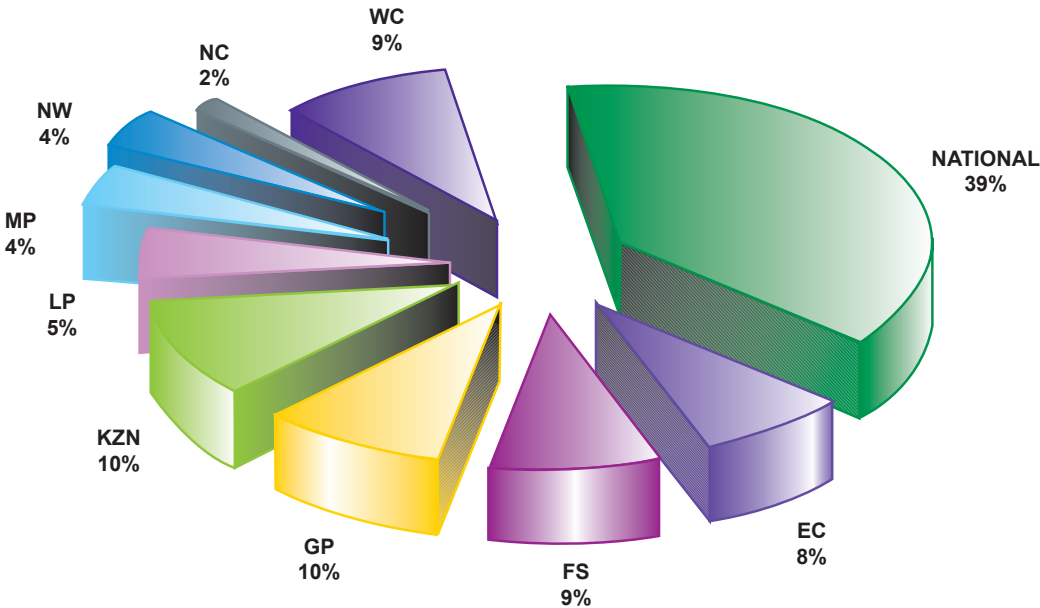


5.3.1 Overview of disputes referred per national and provincial departments

Of the 4871 disputes referred, 1908 were referred against the national departments and 2963 against the provincial departments in the current review period. Despite the referral rate increase, the overall case load in the public service is still relatively low at 0.003%.

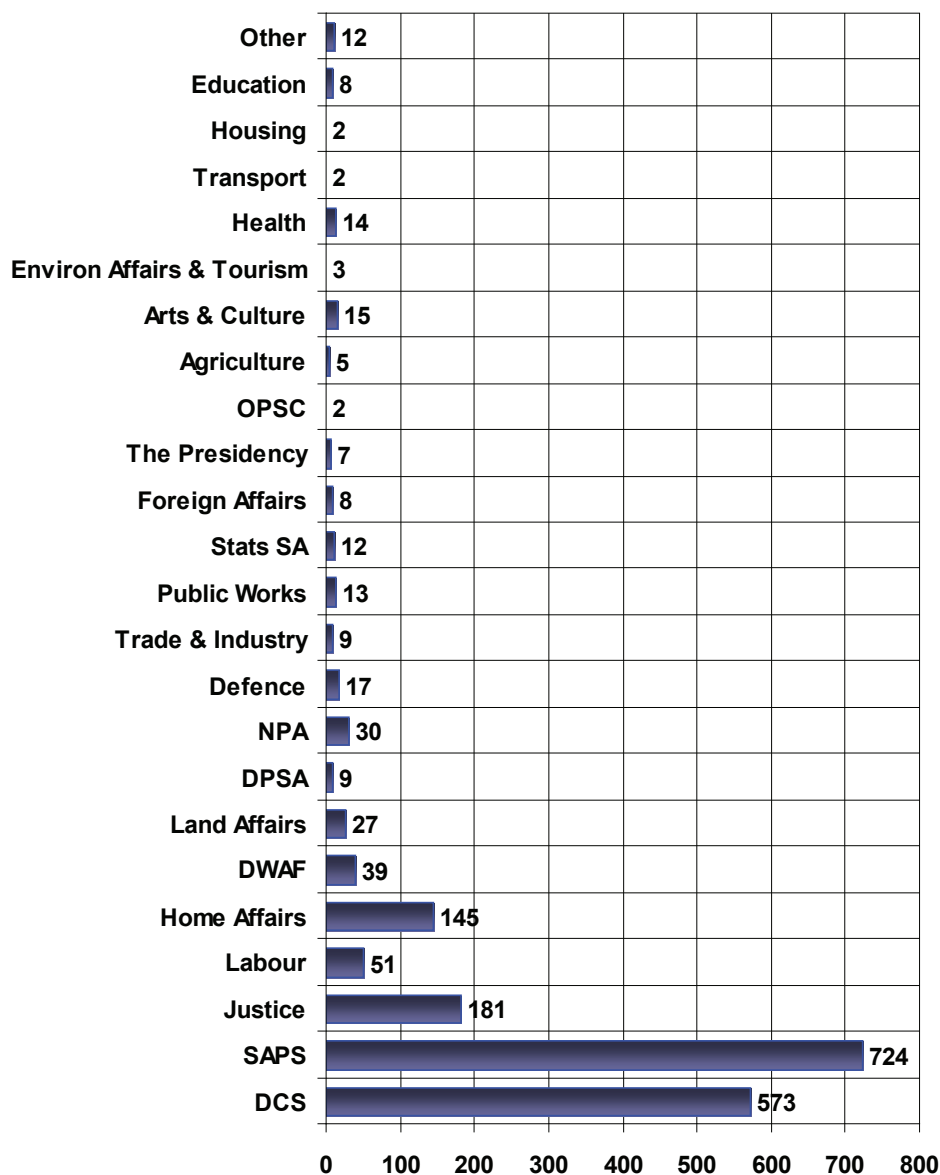
The percentages and breakdown of disputes referred against the National Departments versus the number of disputes referred against Provincial Departments is indicated in the graphs below:

5.3.1.1 National vs Provincial Departments



There appears to be a divergence in the referral ratio between the national and provincial departments in comparison with the previous reports. The referral rate has almost doubled in the provincial departments whilst the national departments only recorded a 3% increase.

5.3.1.2 Disputes referred per National Departments:

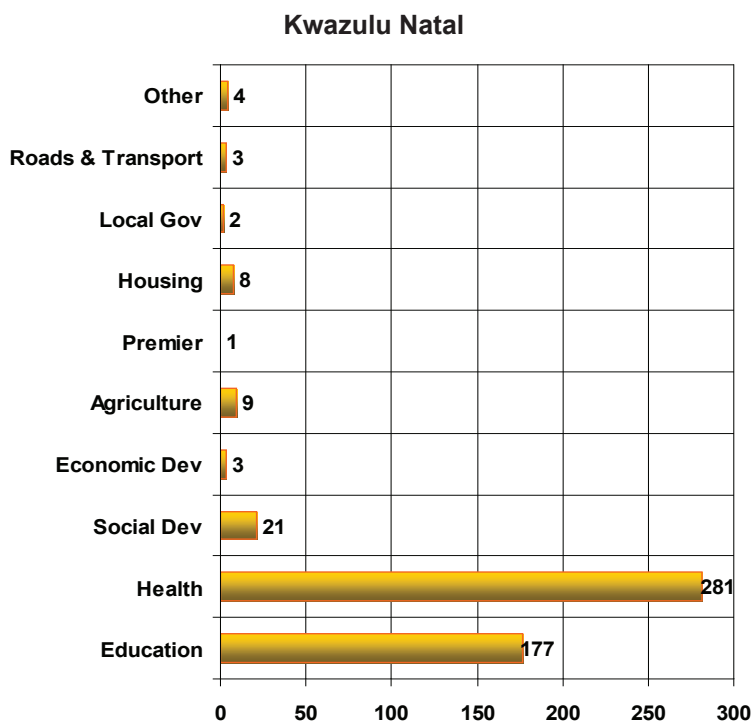
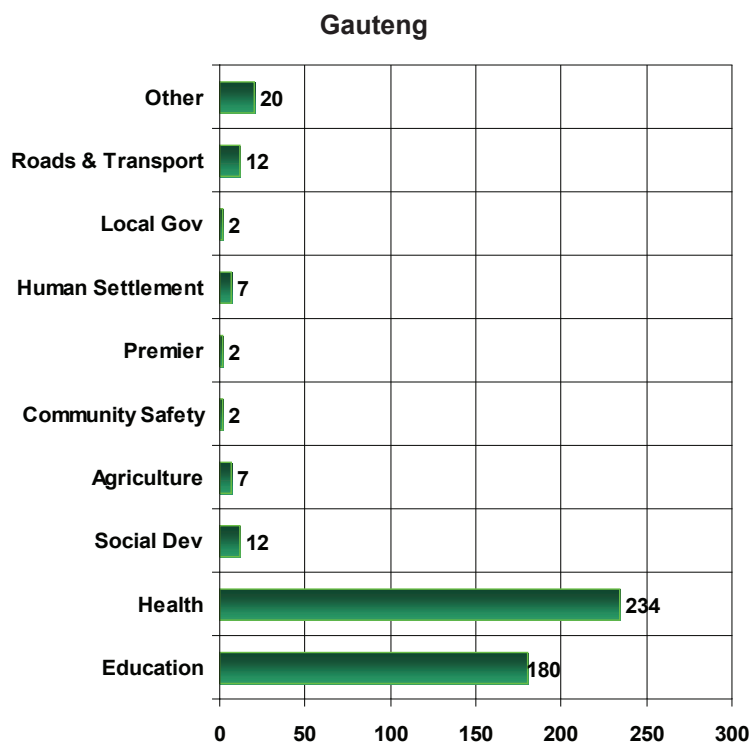


The year on year comparison reflects an identical pattern in the sequence of disputes referred per department. The SAPS remain in the forefront with a referral rate of 38% followed by the Department of Correctional Services with 30%, the Department of Justice accounting for 9% and the Department of Home Affairs accounting for 8%.

5.3.1.3 Disputes referred per Provincial Departments:

The total number of referrals per provincial department can be broken down as follows:

Gauteng - 483; Kwazulu Natal - 513; Eastern Cape - 389; Free State - 439; Limpopo - 259; Mpumalanga - 190; Northern Cape - 89; North West - 189; Western Cape - 441.



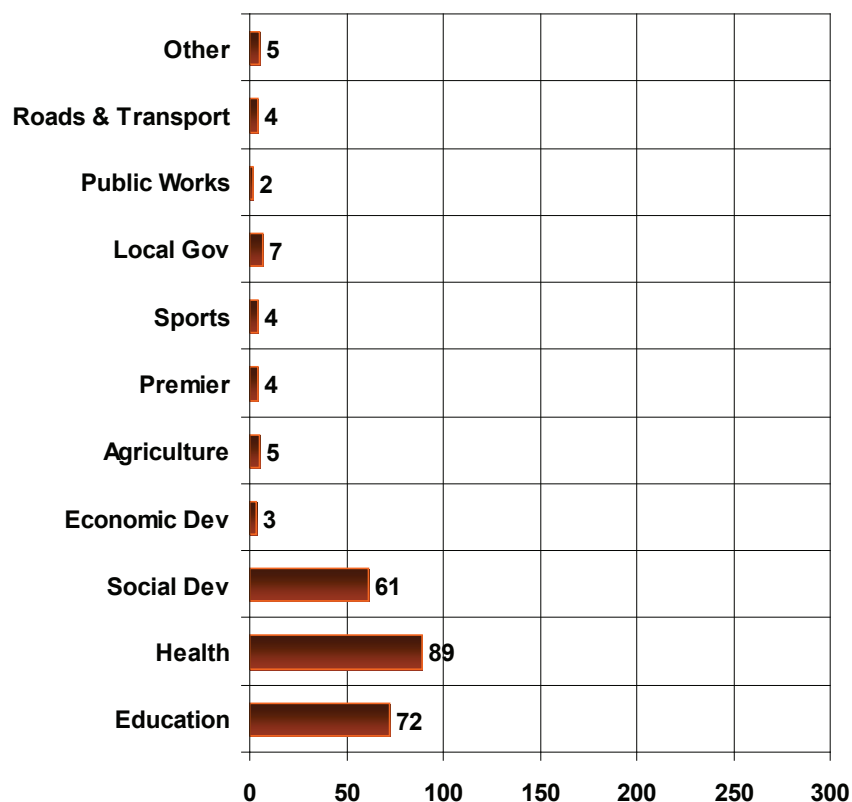
Annual Report 2009/10



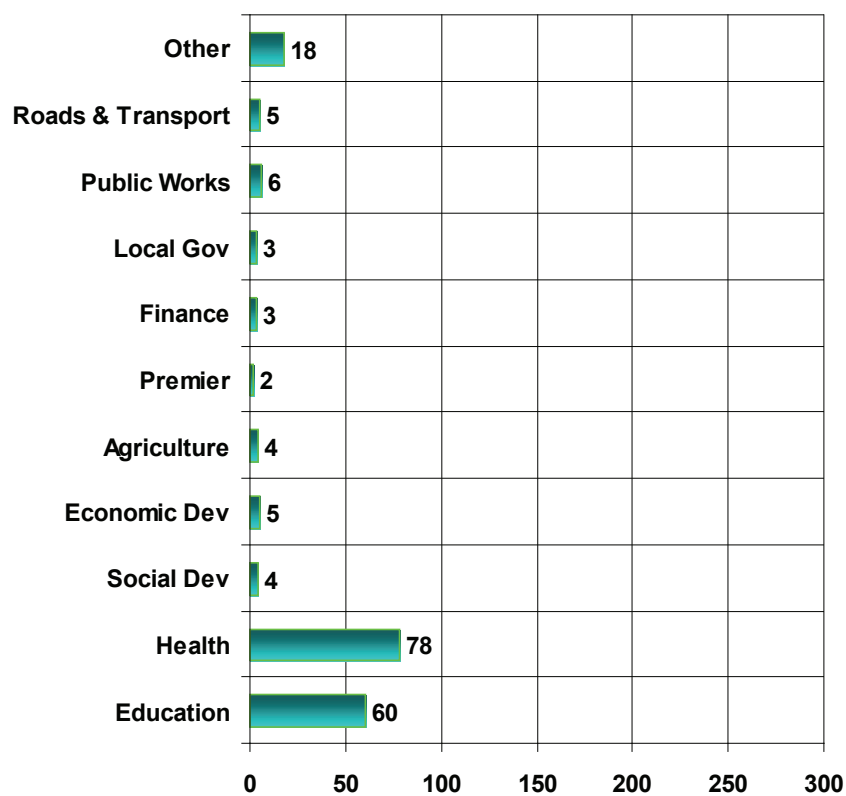
Annual Report 2009/10



Limpopo



Mpumalanga



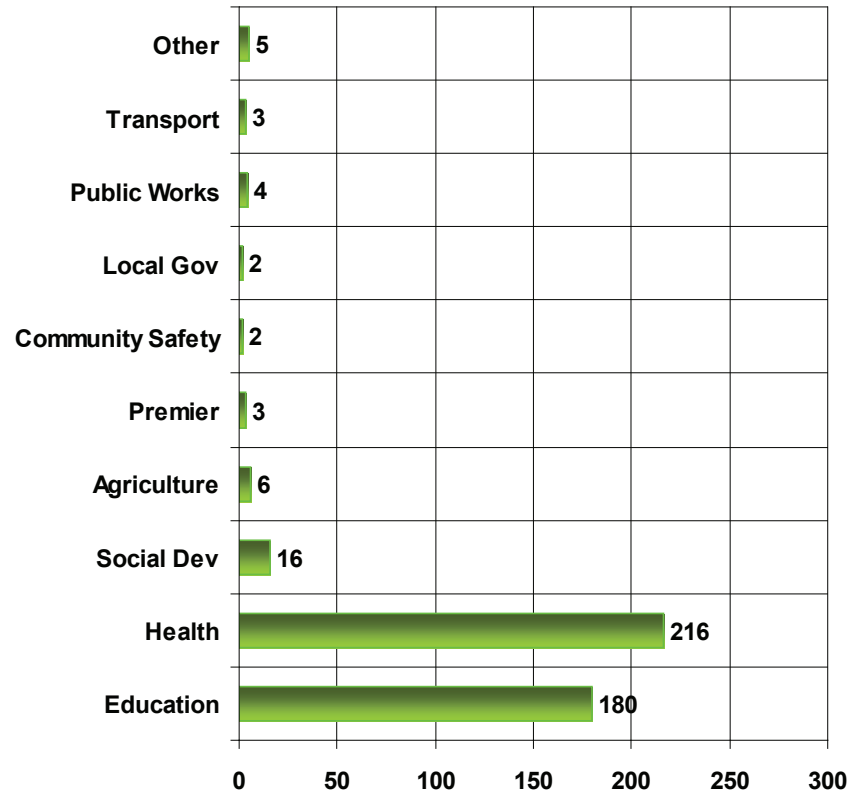
Annual Report 2009/10



Annual Report 2009/10



Western Cape



The Department of Health as well as the Department of Education remain the most prominent feature throughout the provinces. Percentage increases of between 1 to 4 percent were recorded in almost all the provinces except in Limpopo where it remained constant at 5%.

The reason for the ongoing trend is largely attributed to the fact that the aforementioned departments cover a large workforce in the entire public sector.

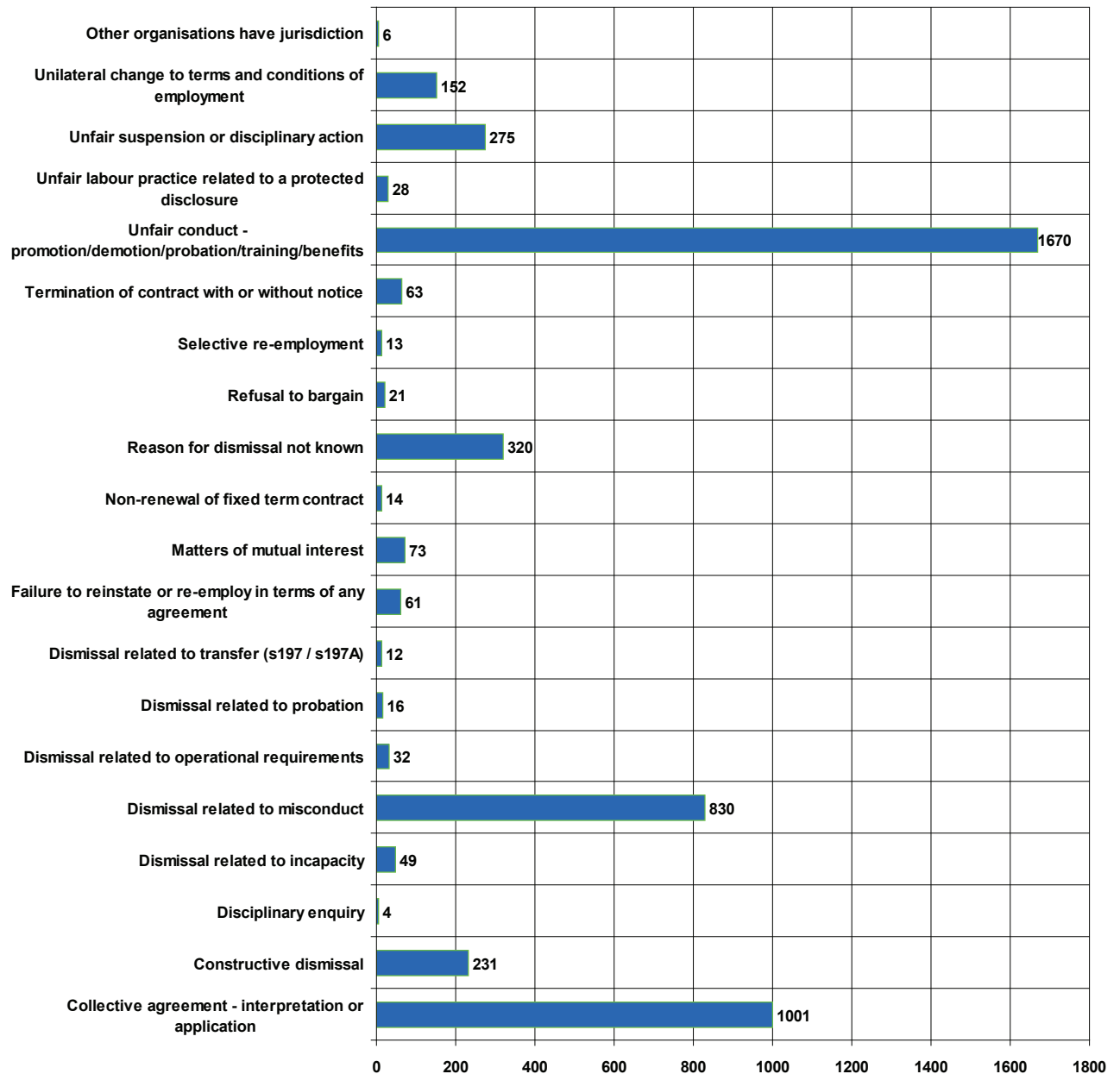


The highest referring union is the PSA with 783 cases mostly referred to PSCBC, POPCRU with 405 of which the majority is referred to the SSSBC, NEHAWU with 443 cases most of which are referred to GPSSBC, SAPU with 295 cases of which the majority are referred to SSSBC, HOSPERSA with 153 cases most of which are also referred to PHSDSBC and SADTU with 149 cases which generally represent the teachers who fall within the scope of the ELRC. Fewer cases are referred by non-admitted trade unions.

The same pattern is reflected over the long term in relation to the category of disputes referred. Unfair labour practice disputes remain the largest category of disputes referred accounting for 41%, followed by dismissals which account for 32%², followed by disputes about the interpretation or application of collective agreements which account for 26%.³ Unilateral change to terms and conditions of employment (3%) and mutual interest disputes (1.5%) are relatively low.

3 There was an increase of 18% in the number of disputes referred in terms of section 24 of the LRA of which 59% were referred to the PSCBC.

5.3.2.1. The types of disputes referred is represented graphically below:⁴



5.3.3. Hearing Processes and Settlement rates per Council

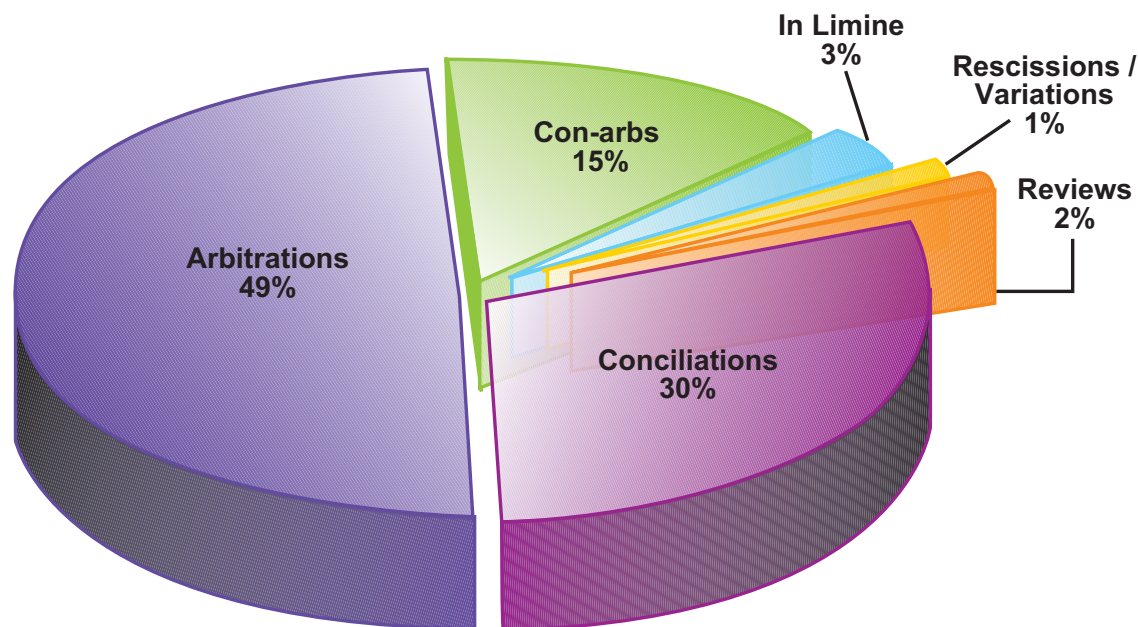
Processes such as *in limine*, rescissions and variations as well as condonations are conducted on the basis of the submissions by the parties as a result such processes are not necessarily captured as hearings on CMS.

⁴ Information in the above graph is based on the classification of disputes as depicted by the CMS report provided by the CCMA and as per the GPSSBC and ELRC stats reports.

The number of hearings conducted per Councils is illustrated in the table below:

Hearings ⁵						
	Conciliations	Arbitrations ⁶	Con/Arbs	In Limine	Rescissions / Variations	Reviews ⁷
PSCBC	200	279	0	17	4	12
ELRC	301	206	38	5	1	18
GPSSBC	1040	2214	3	97	49	94
PHSDSBC	638	852	15	125	20	1
SSSBC	0	0	1001	2	3	0
Total	2179	3602	1057	246	77	125

The percentage of Conciliations, Arbitrations and Con/Arbs processes is presented graphically below:

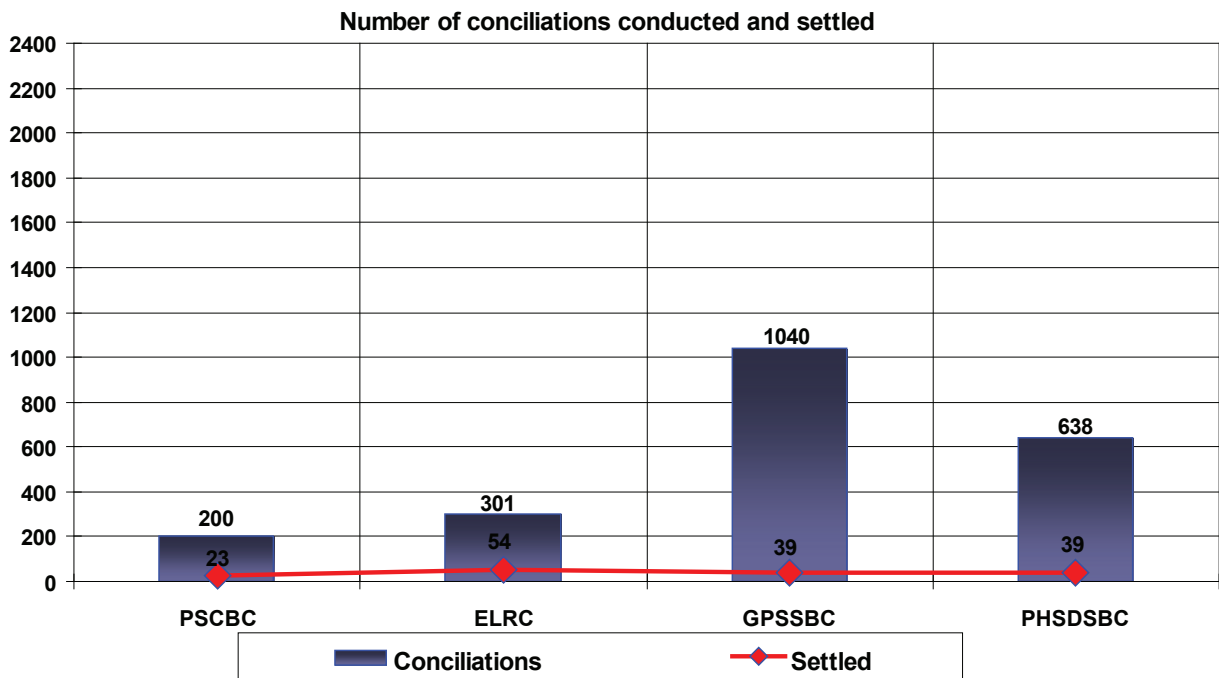


⁵ Where no figures are reflected either there was no information to record on CMS or such information was not captured on CMS and thus not depicted by the CCMA report.

⁶ Includes arbitrations carried over from the 2008/09 period, postponements, part heards etc.

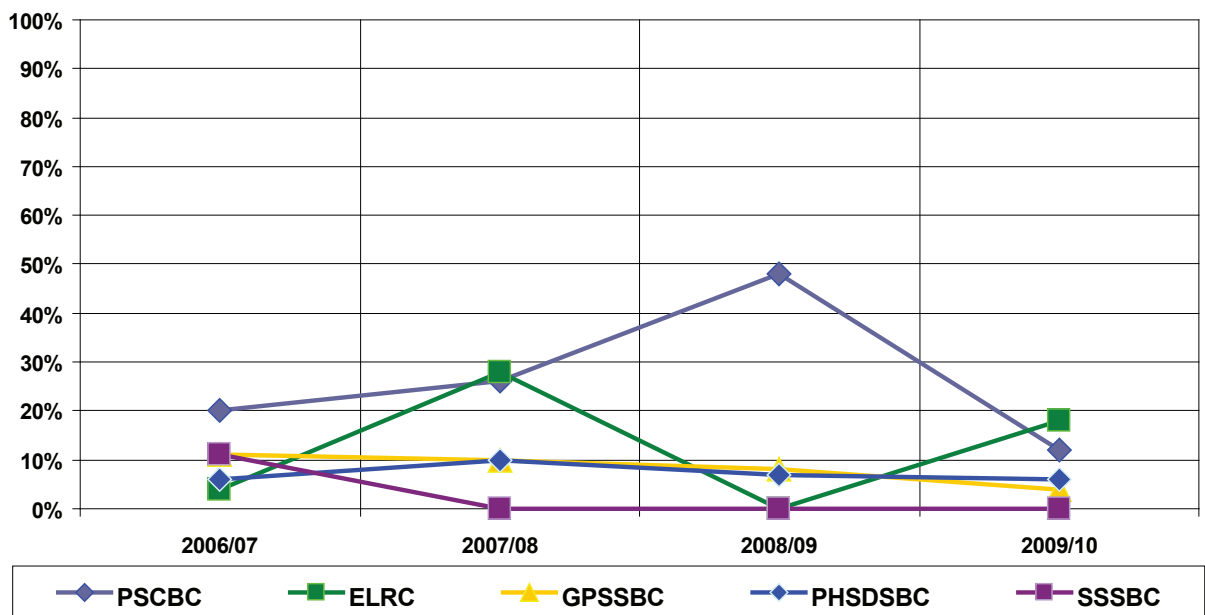
⁷ Review applications made to the Labour Court in terms of Section 145 of the LRA and scheduled on CMS.

The number of hearings conducted per Councils and cases settled are illustrated below:



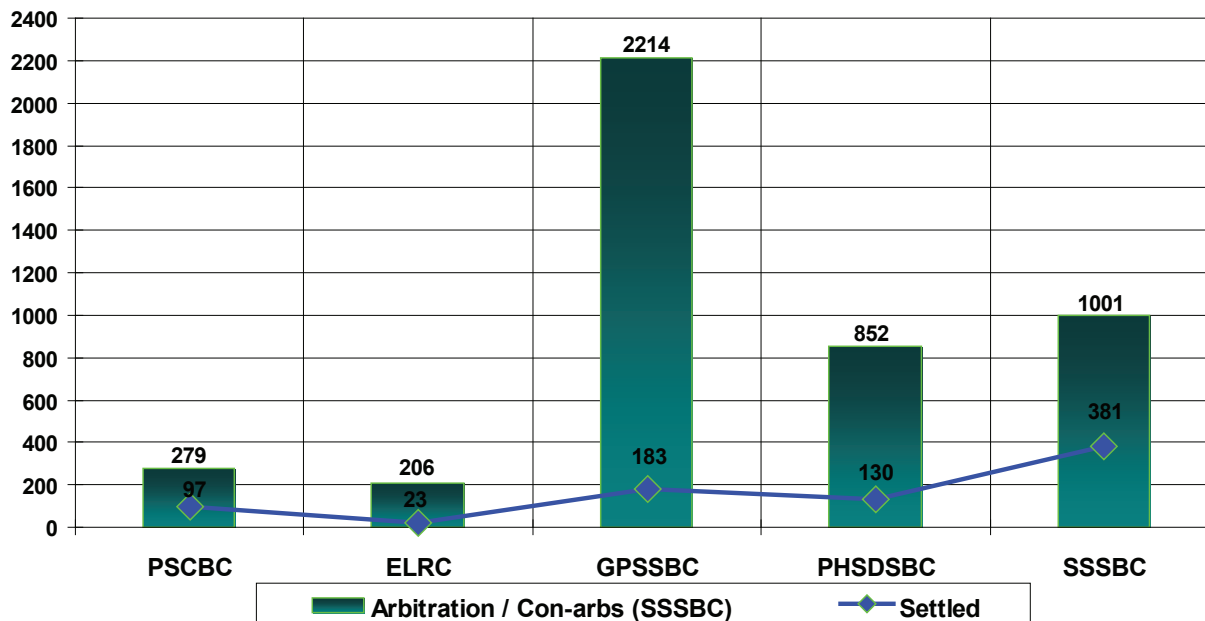
The settlement rate at conciliation is as follows: PSCBC - 12%, ELRC - 18%, PHSDSBC - 6% and GPSSBC - 4%.

Settlement rate at conciliation in the past four years



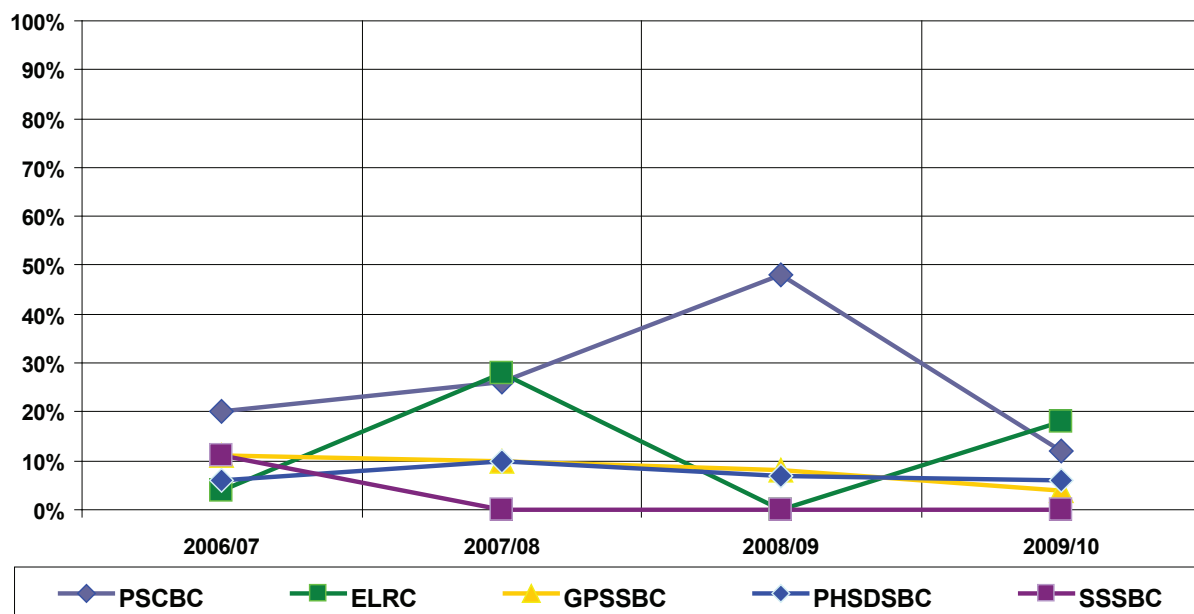
According to the parties, the reason for the low settlement rate at conciliations is, in the main, attributed to the long lead times to obtain mandates by the employer representatives.

Number of arbitrations conducted and settled



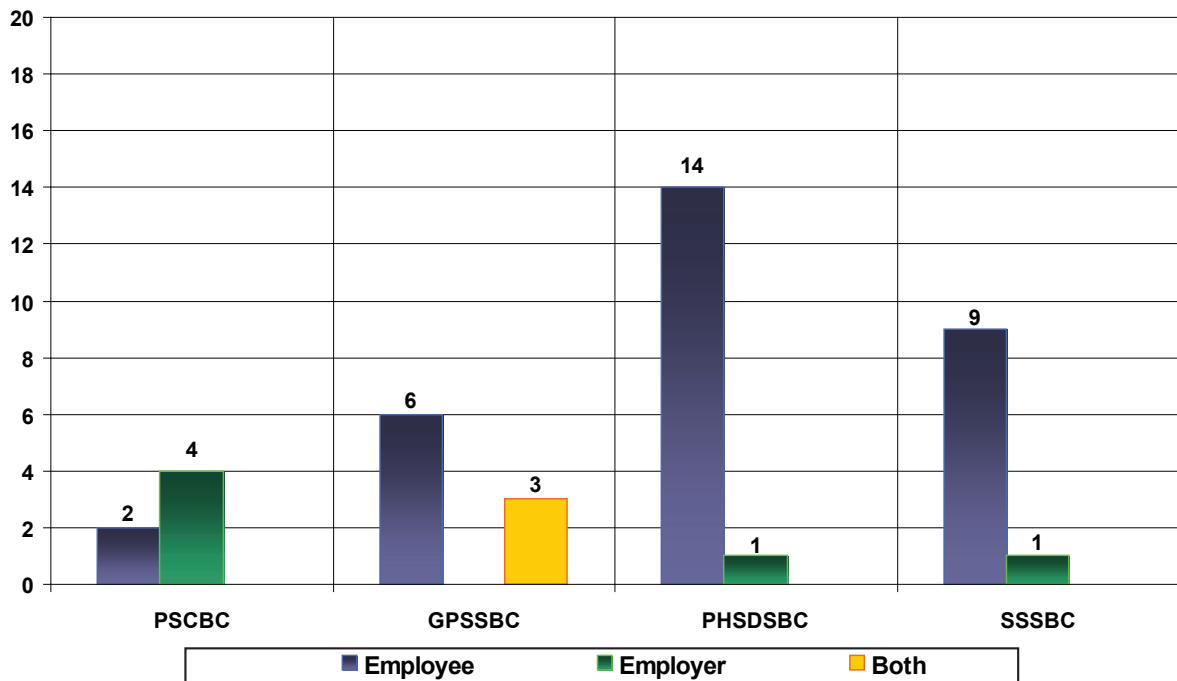
There was a remarkable achievement in the settlement rate at arbitration / con-arb in both the PSCBC (35%) and the SSSBC (38%) whilst a slight or no improvement was observed in the other Councils (PHSDSBC (15%), ELRC (11%) and GPSSBC (8%)), in the current financial year.

Settlement rate at conciliation in the past four years



The year on year comparison demonstrate a variance in the settlement rate per councils. The number of cases settled at conciliation is relatively low in all the councils and higher at arbitration.

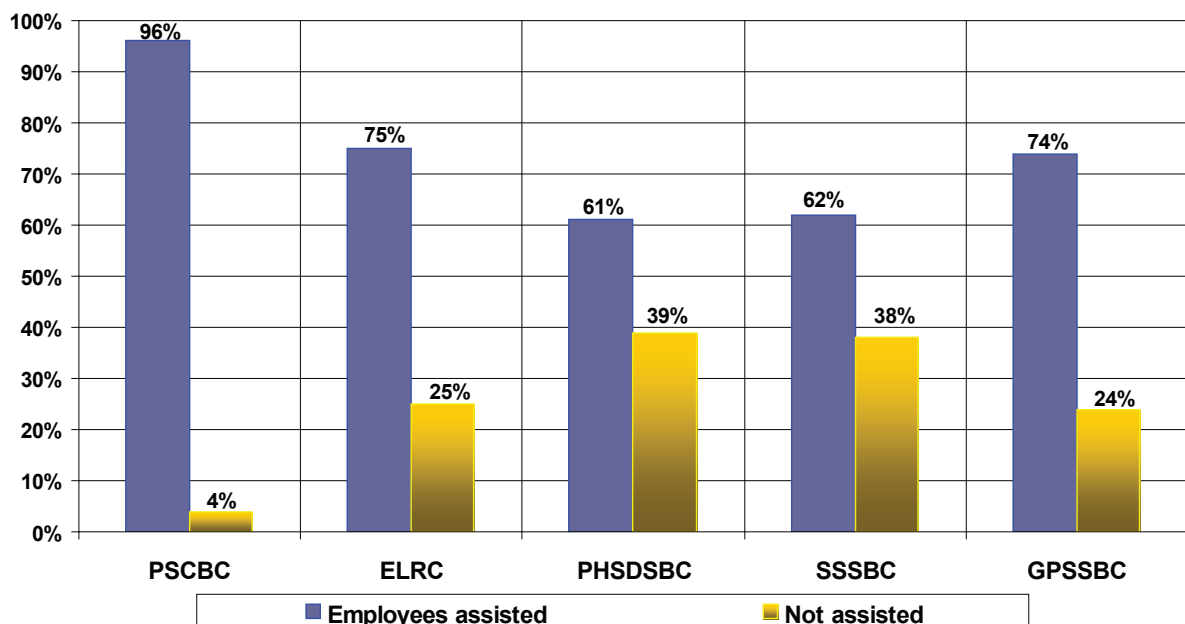
5.3.4 Non-attendance at arbitrations and con-arbs in the individual Councils is shown below:⁸



The above graph revealed that more employers failed to attend arbitrations in the PSCBC as opposed to the sectors where it is the employees. Nonetheless, the number of non-attendance is relatively low on both sides.

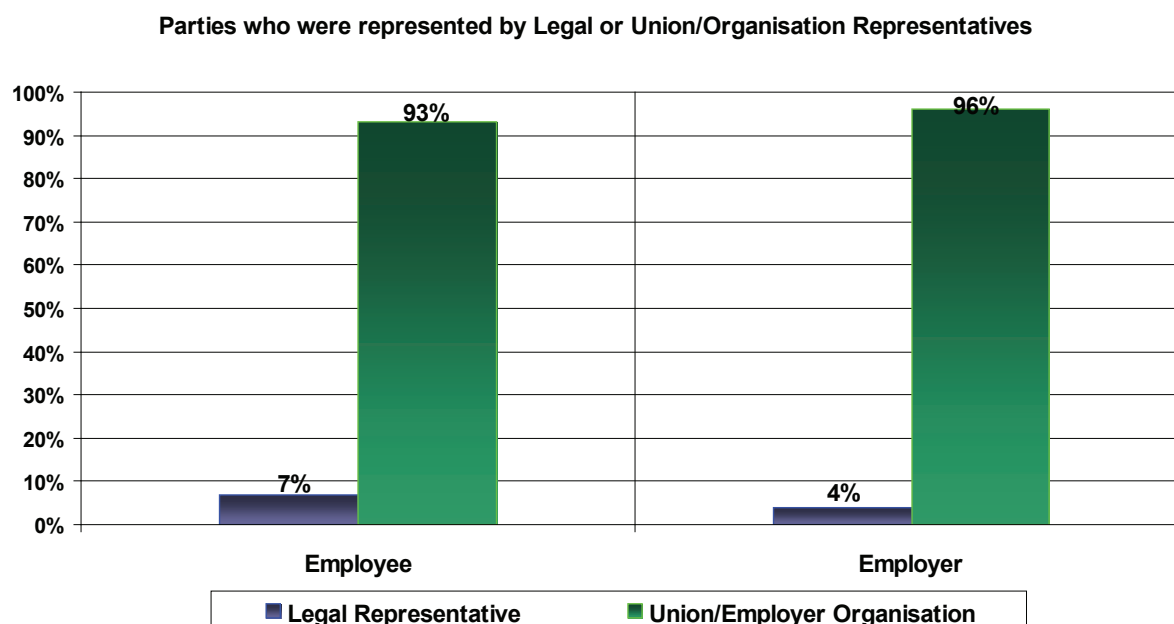
5.3.5 Representation and assistance in processes as illustrated below:

Employees who were represented and assisted in processes



⁸ No stats provided in the CCMA report in respect of the ELRC.

According to the above figure, a larger percentage of employees are represented by trade unions in all the councils.



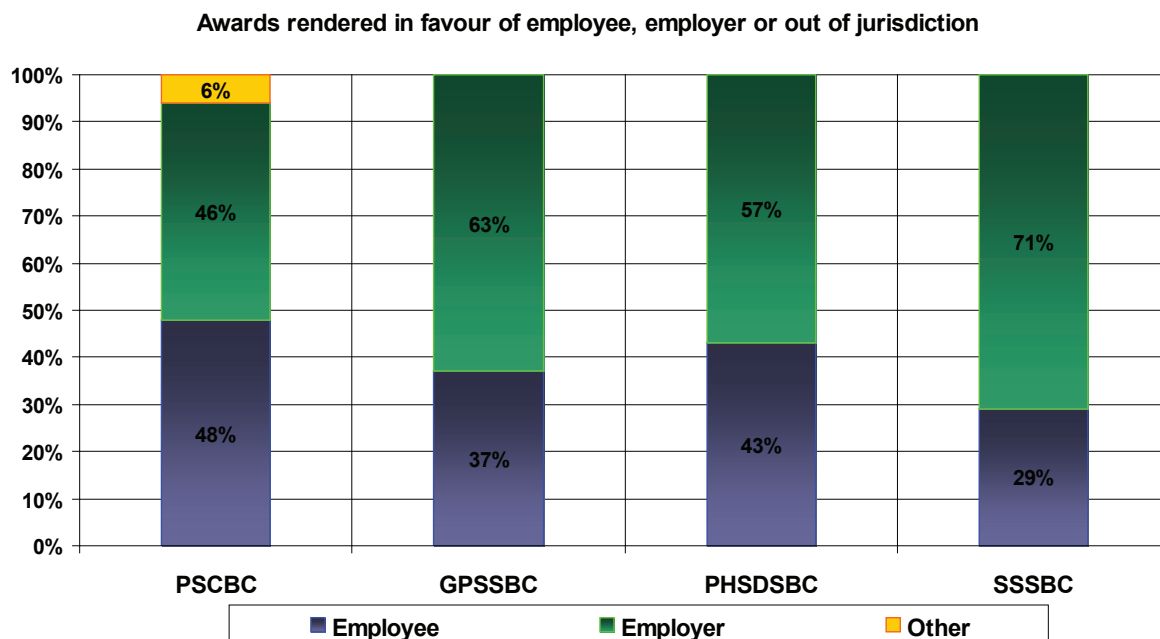
Representation by a trade union or labour relations practitioner appears to be stronger for both employers and employees and only a small percent make use of legal representation.

5.3.6 Outcome of processes

The following table covers a range of outcomes of different processes in the individual Councils:

Outcomes ⁴					
	PSCBC	GPSSBC	PHSDSBC	SSSBC	ELRC
Not settled and completed	41	2	42	1	0
Settled	120	222	169	381	77
Settled by parties	12	38	34	10	0
Postponements (incl postponed sine die)	30	361	265	4	207
Withdrawals	73	81	62	114	3
Arbitration awards rendered	67	457	130	298	79
Default awards	2	0	1	1	0
Settlement agreement made an arbitration award (section 142A)	1	0	0	0	1
Dismissed due to non attendance	0	10	2	16	1
Other (unrecorded)	180	65	478	374	4 73

5.3.6.1. Outcome of arbitration awards rendered⁹



The above graph shows a proportionate number of awards issued in favour of the employer and employees in the PSCBC apart from the 6% that was found to be of out of jurisdiction. On the contrary, the trend remained constant at the sector councils with a larger percentage of awards issued in favour of the employer.

The remedies for unfair dismissals and unfair labour practice disputes are set out in the LRA.¹⁰ However, with respect to remedies for disputes about the interpretation or application of collective agreements, the Labour Court held that the LRA does not expressly provide for relief.¹¹ Therefore, as a general rule, arbitrators order performance of an act and in certain instances with back pay.

Where the arbitrators found in favour of the employees the relief ordered can be outlined as follows:

PSCBC: Compliance with collective agreement - 70%
Compliance with back pay - 30%

GPSSBC: Compensation - 69%
Reinstatement - 31%

SSSBC: Compensation - 78%
Reinstatement - 22%

PHSDSBC: Compensation - 64%
Reinstatement - 36%

⁹ No stats provided in the CCMA report in respect of the ELRC owing to the fact that such information was not captured on CMS and thus not depicted by the CCMA report and ELRC report.

¹⁰ Section 193 of the LRA.

¹¹ SAPS v Public Service Co-ordinating Bargaining Council & others [2008] JOL 21538 (LC) by Niewoudt AJ.

MEDIA AND INFORMATION



6. Media and Information

6.1 Year under review

The Media and Information section was established by Council to ensure compliance with its constitutional objective of promoting effective communication to Council and sector bargaining councils designated in terms of Clause 21.3 of the PSCBC constitution. The year under review has once again been very challenging and exciting.

The vision for the Media and Information section is to provide effective and efficient media, resource and information services to Council, in order to achieve the organisation's strategic objectives. Our mission is to establish and maintain a Media and Information Centre that will promote the image of the public service bargaining councils in a professional manner, provide accessible, accurate and up to date information on all issues relating to the public service bargaining councils and maintain a library that will meet the information needs of the Secretariat and parties to Council.

6.1.1 Policies and strategies:

During the period under review, several policies and strategies, regulating the various functions performed by the Media and Information section, have been finalised.

6.1.2 Communications and Marketing:

- The PSCBC once again participated in the Cell C "Take a Girl Child to Work" programme by hosting twenty grades 10, 11 and 12 girls from the Dr WF Nkomo High School in Atteridgeville, Pretoria. The aim of the initiative was to encourage young girls to explore the numerous possibilities in the working environment. The girls and their teachers were treated various information sessions with PSCBC and sector bargaining councils. A bonus to them was the opportunity to attend one of the Council's sessions.
- The Media and Information section continued to assist the national PSCBC pensions task team in finalising a communications and marketing strategy to create the necessary awareness to potential beneficiaries. This forms part of the PSCBC's contribution to government's broad objectives on restitution and transformation and to provide redress to public service employees who suffered various types of discrimination related to admission to pensions funds under apartheid.
- Other marketing initiatives conducted during 2009/10 were the assistance rendered during visits by other countries, including Sudan, Netherlands and Zimbabwe. The PSCBC also participated in showing their support for the FIFA Soccer World Cup by participating with other sector councils in Football Friday celebrations.

6.1.3 Publications:

- The media and information section successfully published the PSCBC News newsletter on a quarterly basis during 2009. The media centre received very good feedback from parties to Council and other stakeholders on the content published in the newsletter.
- During 2009 the media and information section published yet another successful PSCBC annual report for 2008/2009 financial year.

6.1.4 Events:

- During March 2010 the PSCBC hosted a successful Public Service Summit at the Inkosi Albert Luthuli ICC in Durban. This event was well attended.
- The Media and Information section has also been very busy with preparations for the 2nd Biennial Labour Relations Conference for the Public Service which will take place in the new financial year.

6.1.5 Website

The Media and Information section manages the websites for PSCBC and PHSDSBC by updating information on a regular basis. The unique search facility enables users to have immediate access to information such as constitutions, agreements, awards, dispute resolution procedures and rules, annual reports, images, etc. The websites for PSCBC and PHSDSBC remains very popular.

Website usage (April 2009 to March 2010)

MONTH	NO. OF VISITS PER MONTH
APRIL	3459
MAY	3117
JUNE	5738
JULY	10039
AUGUST	11090
SEPTEMBER	9678
OCTOBER	5485
NOVEMBER	4097
DECEMBER	2962
JANUARY	3484
FEBRUARY	4609
MARCH	6084
TOTAL	69842

Type of searches by users (1 April 2009 to March 2010)

TYPE OF SEARCH	NO. OF SEARCHES
Document Search	2082
Resolutions	1305
News Watch/Newsletter	360
Acts	352
Dispute Resolution	343
IRASA	289
Default (PSCBC Homepage)	4578
PSCBC Content	2426
TOTAL	11735

6.2 Media and Resource Centre

The PSCBC library house various genres of publications and online information products. The library mainly consists of the following publications (Genre as per Dewey Decimal Classification):

000 Computers, Information and General Reference
 001 Knowledge Management
 012 Bibliographies
 106 Research
 336 Public Finance
 342 Constitutional Law
 344 Labour Law
 384 Communications
 600 Human Resource Management

6.2.1 Periodicals:

- ❖ Labour Bulletin
- ❖ People Dynamics
- ❖ FSP Labour Law for Managers
- ❖ FSP Practical Guide to Human Resources
- ❖ FSP Practical Tax Handbook
- ❖ FSP Health and Safety Advisor Handbook
- ❖ JUTA Public Service Law Handbook
- ❖ JUTA Industrial Relations Journal
- ❖ City Press
- ❖ Sunday Times
- ❖ The Times
- ❖ Sowetan
- ❖ Beeld

- ❖ Pretoria News
- ❖ The Star
- ❖ Mail & Guardian

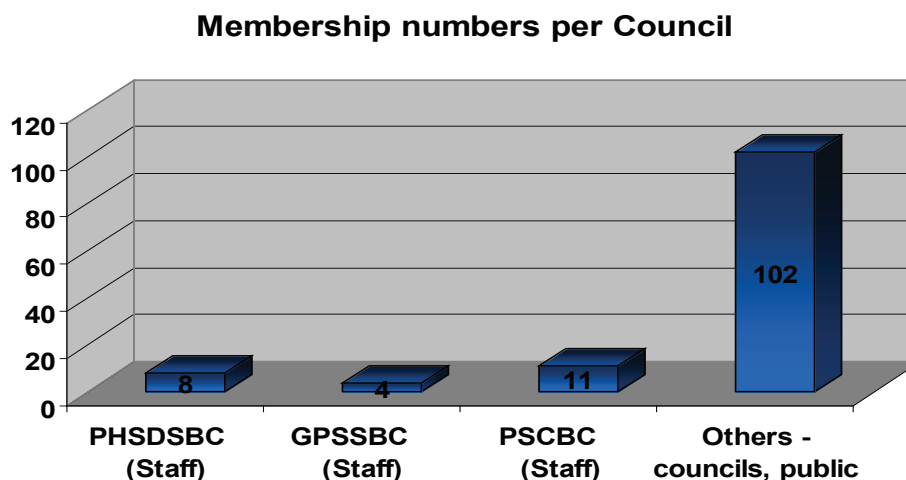
6.2.2 Electronic Sources:

- ❖ IR Network
- ❖ Sabinet Online
- ❖ Juta Stat Online

6.3 Membership / Users:

The PSCBC Media section is mainly obligated to serve all employees employed in the public service. We also serve the wider international community as we “are one of the world’s leading and model bargaining councils” hence our services are spread across the borders.

The following graph reflects the library membership and statistic of the library:



During the year under review the Media and Information section has been used extensively by parties to Council, labour relations officials, legal professionals, bargaining council panellists, and other stakeholders and a high volume of research/information requests were received.

The Media and Information section aspires to remain being a leading specialist library and information provider that is recognised as a facility that provides quality and up-to-date information to all our users. As a leading media and information section, the section is constantly building the professional image of Council through effective communication and marketing initiatives. We constantly strive to assist with any bargaining council related research and information needs, as well as assist to improve the knowledge and usage of the library’s collection and services by its users.

INFORMATION TECHNOLOGY



7. INFORMATION TECHNOLOGY

The Vision of the Information Technology (IT) section is to ensure the establishment of sound information technology management systems in order to achieve the organizations strategic objectives. The mission is to provide efficient and effective technological support services to the Council and the sector councils.

The core business of the PSCBC Information Technology Department is as follows:

7.1 Maintain the Dispute Resolution Case Management System (CMS):

The PSCBC IT Department provides helpdesk support for the CMS for the PSCBC and Sectors. Updates/ Upgrades are also done when launched by the CCMA.

The current version of the CMS is in the process of being phased out. The CCMA has developed the new web version of CMS. We have upgraded our network infrastructure to run the new web version of CMS and are currently testing the new software. Once we have concluded the testing and are satisfied with the software, we will then deploy the software to the PSCBC and Sectors.

Users will then be able to work remotely on CMS and have more system functionality.

7.2 Maintain the PSCBC hardware and Software Infrastructure:

There has been minimal downtime on the network. The network infrastructure is constantly monitored to ensure that preventative action is taken. Regular housekeeping is done to ensure that hardware and software on PC's and servers are well maintained. The network is continuously assessed and monitored to be in line with latest technology.

7.3 Security Management:

During this year the network was stable and secure. IT Security is now a fully automated process. Microsoft updates, virus pattern files, and backups are all configured to download and run automatically on all servers and workstations.

A new network monitoring system has been installed. The monitoring system adopts a pro active approach to network monitoring. The network is constantly monitored to check if there are any power problems, security breaches, temperature fluctuations, humidity fluctuations, and physical flooding. Administrators receive an email and sms in the event of any possible threats.

There are no reports of any security violations.

7.4 Service Management:

Helpdesk services are provided; all technical faults are recorded on the HEAT Helpdesk system. Calls are efficiently and effectively responded to. Ad hoc training is provided to Users and formal training is arranged when required. IT Staff have attended training update workshops/seminar and formal technical training.

There has been no reported downtime on the website.

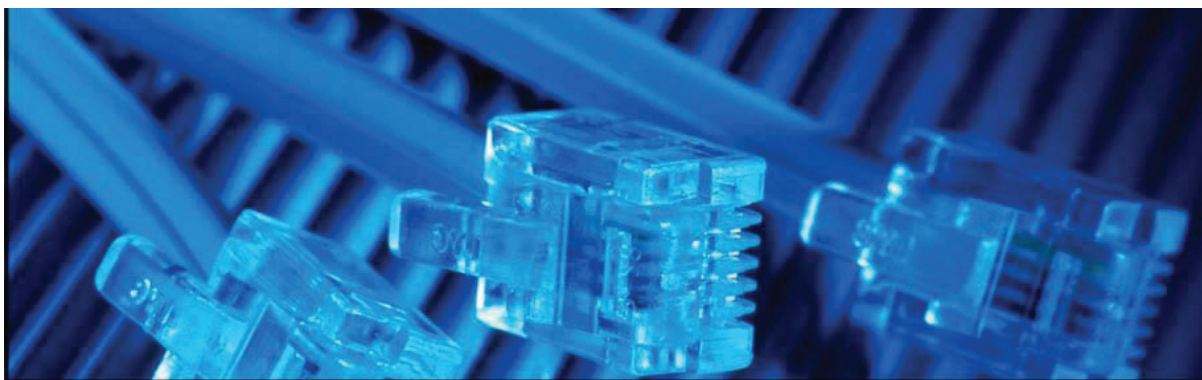
The PSCBC IT Department prides itself on providing a high quality service to the PSCBC and Sectors.

7.5 Manage System Information:

System information is well documented and updated on a regular basis. IT Governance documents are in place and adherence is monitored. Users are notified if they are in breach of IT Policies and corrective action is taken. These documents are continuously reviewed and updated.

7.6 Summary:

The IT Department will continue to strive to provide excellent IT support services to the PSCBC and Sectors. We will also continue to research new developments within the IT arena and provide Council with latest technological advancements.



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8. PUBLIC SERVICE SUMMIT 2010

8.1 Introduction ¹

The Public Service Summit continued a process of social dialogue, between the parties to the Public Service Coordinating Bargaining Council (PSCBC) aimed at transforming South Africa's public service. The declaration from the summit indicates important areas of agreement, and a commitment to engage on areas of disagreement. Consequently, this report argues that the process of social dialogue in the public service has been strengthened through the hosting of the summit. To this end, this report seeks to:

- Outline the purpose and background of the summit;
- Explain the pre-summit preparatory phase;
- Table the agreed conference programme;
- Summarise the speeches delivered to plenary;
- Report on the work of commissions; and
- Identify lessons that were learned during the process leading up to the final declaration.

8.2. Purpose of the summit

In 2007, South Africa experienced the longest public service strike ever. For a period of three weeks, workers in the public service sustained a strike. At the culmination of the strike, two important lessons emerged for both labour and government.

First, relations between the parties would need to be strengthened if the massive project of transforming the public service was to be implemented.

Second, that there would need to be a process of discussing a wider set of issues than working conditions if public service is to deliver and extend services to the citizens of South Africa.

In this context, the parties to the bargaining council reached agreement to hold a public service summit. Box One – drawn from Resolution 1 of 2007 – sets out the specifics of the agreement on hosting a summit.

Box 1: Resolving to host a summit

Clause 15 of Resolution 1 of 2007, under the title "Public Sector Summit" reads as follows:

Parties to the Council agree to convene a Public Sector Summit in 2008 to address the following areas, among others:-

- *Outsourcing and agentisation;*
- *Performance and productivity in the public service;*
- *Work Environment;*
- *Resourcing of the public service; and*
- *Minimum Wage.*

¹ Report written by Ebrahim-Khalil Hassen (<http://www.ekh.co.za>).

8.3. Pre-summit processes and preparation

In the run-up to the summit, several processes were undertaken to prepare for the summit. This section seeks to:

- Explain amendments to the original resolution reached in 2007 that clarified the mandate for the Summit.
- Explore the importance of dialogue processes between 2007 and the Summit in 2010.
- Explain the structures established, and record the positions papers developed for the summit.

8.3.1. Clarifying the mandate

The original intent was that a Summit be hosted in 2008. However, for a range of reasons – explained throughout this section – the Summit was hosted in 2010. The passage of time meant that the mandate for the Summit needed to be clarified to remain relevant, and meet the expectations of the parties to the PSCBC. This necessitated changes to the original agreement, which are now explained.

8.3.1.1. From Sector to Summit

Parties to the Summit initially agreed to the hosting of a “public sector” summit. The terms public service and public sector are often used interchangeably, but have very specific meanings. The public sector consists of the following:

- The public service, defined as national and provincial departments, in terms of the *Public Service Act of 1994*, and other relevant acts².
- State-owned enterprises, such as Transnet and Eskom
- Local government
- Other institutions including universities and institutions created in Chapter Nine of the Constitution (Adler, 2000)

Furthermore, the scope of the PSCBC covers national and provincial government, which is 79,1% of all employees in broader government sector as recorded by Statistics South Africa,

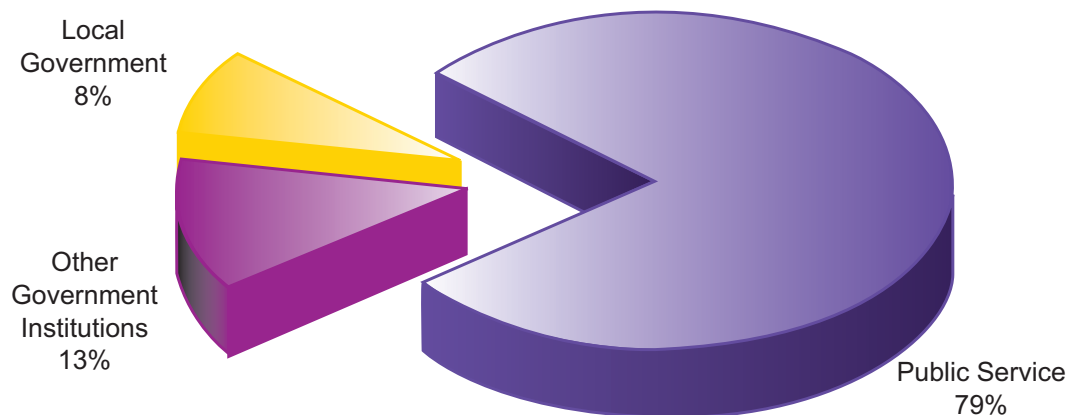
² For example, teachers and correctional services personnel are employed via different pieces of legislation.

Box 2: Public sector

According to Statistics South Africa (2009), the government sector employed just under 1,8 million people in both fulltime and part-time positions. The table below shows the breakdown of the broader public sector as at June 2009.

Government Institutions	Number	Percentage
National Departments	422263	23.7
Provincial Departments	984915	55.3
Local Government	230419	12.9
Other Government Institutions	142031	8.0
Total	1779628	100

The table indicates that the public service (i.e. national and provincial government) accounts for 79,1% of total employment in the government sector, as shown in the figure below. This is the scope of the PSCBC.



Source: Statistics South Africa (2009) *Bulletin of Statistics*. Vol.43, No. 4

Note: The data is not based on PERSAL, and there might be slight discrepancies between payroll data and national labour statistics. The national labour statistics are used to indicate the size of the various components of the public sector.

Box 2 shows the components of the public sector, and it should be noted that each of these components there are different bargaining arrangements, with each institution having a defined scope. For this reason, the parties to the council agreed to amend “public sector” to “public service” thus keeping the mandate of the summit within the scope of the PSCBC.

8.3.1.2 Bringing the agreement “up-to-speed”

An additional factor was that the summit was originally scheduled for 2008, but would now take place in March 2010. Three reasons explain the delay in the hosting of the summit:

- i) Resolution 1 of 2007 had a range of other commitments for parties, including the process of establishing Occupational Specific Dispensation (OSD) for a range of occupations. This was a significant task with agreements being reached in a range of sectors. (See Box 3 below).

Box 3: OSD Agreements currently in place

The following OSD agreements have been reached since Resolution 1 of 2007:

- Nurses
- Medical officers, medical specialists, dentists, dental specialists, pharmacologists, pharmacists and emergency care practitioners.
- Medical and therapeutic support services
- Social workers
- School based educators
- Office Based Educators
- Legal professions
- Engineers, architects, environmentalists and other professions
- Correctional Officials

Source: Public Service Coordinating Council and its sector councils, various council resolutions

- ii) There was an implicit agreement to wait until after the 2009 elections to host the summit. This agreement rested on potential changes to the appointment of political leadership, but more fundamentally to the reality that the electoral mandate of government would possibly change.
- iii) Even without an elections or determining OSDs, the initial agreement was overly ambitious. In particular, the agreement only provided for a short period to rebuild relations and trust between the parties, and host a Summit. With the benefit of hindsight, it was improbable that a productive summit would have been held, in such a short period of time.

However, the passage of time meant that different issues may need to be prioritised. The parties to the PSCBC then agreed to focus discussion and debate on a range of issues. The parties then agreed to extend the terms of the summit to include remuneration policy, strengthening collective bargaining, and focussing on health, education and the criminal justice cluster.

This agreement is recorded in the Declaration of the Public Service Summit which indicates that parties would focus “debate and discussion” in the following areas:

1. Providing quality service delivery through labour intensive resourcing;

2. Outsourcing and Agentisation in the Public Service;
3. Building effective and responsive frontline service offices in education, health and criminal justice cluster;
4. Introducing measures to utilise the public service to combat youth unemployment;
5. Creating a productive and performance orientated public service;
6. Supporting measures to strengthen anti-corruption legislation and initiatives;
7. Remuneration policy; and
8. Reaffirming a commitment to strengthen public service collective bargaining.

8.3.2. Social dialogue processes

With almost two decades of collective bargaining experience in the public service, there is a strong history of social dialogue on broader public service reform initiatives. This process of dialogue runs in tandem with a history of tough negotiations, and low ebbs in labour relations in the public service collective bargaining. The Summit builds on both the elements of social dialogue, and a history of bargaining that has seen significant shifts in relative power of government and labour in collective bargaining. This section briefly records the major social dialogue processes that the council has engaged in, but does not present an exhaustive record of joint processes aimed at restructuring the public service. The details of these engagements can be found in the 10 year review of the PSCBC (PSCBC: 2007)

8.3.2.1. Public Service Job Summit (2001)

The 2010 Summit follows on the Public Service Job Summit held in 2001. The summit reached an important agreement, later translated into a resolution of the PSCBC (Resolution 7 of 2002) on the utilisation of human resources. The PSCBC in its Annual Report 2001/2002 believed that the:

...framework is a striking example of the synergy between the state as employer and the public service unions through the PSCBC in addressing issues of transformation and restructuring in the public service. At this level of engagement, restructuring and appropriate utilisation of human resources were identified as key challenges of a developmental state.

Amongst, the agreements reached at The Public Service Job Summit were an agreed method of linking human resources to departmental plans. Whilst, there are disagreements on the impact of this, the first summit of the PSCBC, the experience gained provided lessons for the Public Service Summit held in 2010.

8.3.2.2. The Birchwood Engagements

Labour relations in the public service have not always been cordial, with the longest strike in the public service taking place in 2007. After this acrimonious strike, relations between the parties had reached a low point. To rebuild relationships, two workshops were held at the Birchwood Conference Centre in 2009.

In the PSCBC, these engagements are known as “Birchwood One” and “Birchwood Two”. In both cases, the agreements reached have subsequently become agreements of the PSCBC, or are in the process of being signed as collective agreements. Box 4 indicates for referencing purposes, the issues discussed during these engagements.

Box 4: Birchwood agreements

Birchwood	Key issues
"Birchwood One"	Birchwood One provided for agreements in the following areas: - Occupational Specific Dispensation - Wage negotiations - Need for monitoring and evaluating collective agreements - Budgetary process and collective bargaining
"Birchwood Two"	At Birchwood Two, the parties deliberated upon the following issues, reaching agreements in several areas: - Impact of the global recession - Negotiations approach - Process for the closure of OSDs - Outstanding issues from Resolution 1 of 2007 - Process for salary negotiations in 2010/11

Note: The agreements are available from the PSCBC. Birchwood One can be found as Resolution 2 of 2009. Birchwood Two is in the process of being translated into a collective agreement, but has not been signed by parties at the time of writing.

Importantly, the process of reaching agreement via these processes created a solid platform for engagement during the Summit, in three very specific ways:

- 1. Building relationships:** The process of engagement prior to the Summit provided opportunities for the building of relationships between parties to the council. This was needed after a highly acrimonious salary negotiation in 2007.
- 2. Substantive agreements:** Agreements were reached on substantive issues, such as Occupational Specific Dispensation, strengthening collective bargaining and processes for salary negotiations. This created important areas of agreement, allowing the Summit to concentrate on other issues related to the transformation of the public service.
- 3. Understanding positions:** The engagements provided an opportunity for understanding of areas of agreement, through creating space and platform for engagement.



8.3.3. Setting up structures

To coordinate this mandate for the summit, the PSCBC established the following structures to coordinate the summit process:

Box 5: Structures of the Public Service Summit

Structure	Key Work Areas	Constituted By
Working groups	- Perusal of position papers - Identifying and recording of areas of agreement and difference - Facilitating discussion on areas of agreement - Draft declarations on each topic - Present to the political committee areas of disagreement - Present draft declarations at the Summit for consideration and adoption	- Jointly constituted by government and labour. - One representative per organisation.
Technical Committee	- Manage the work of working groups - Receive reports from working groups and provide direction - To review areas of agreement and disagreement	- Jointly constituted by government and labour. - Parties identified representatives to the technical committee
Summit Organising Committee	- To do planning, organising, communications, budget, events management, and all other logistics. - Develop a Media Strategy.	- Secretariat as well as 4 reps from employer and 4 reps from unions. - Appointed events manager to attend meetings
Political Committee	- To provide political and strategic direction - To finalise the declaration for the summit	- Minister of Public Service and Administration; and appointed staff - Presidents and General Secretaries of unions

These structures in turn would report back to constitutional structures of the PSCBC where necessary. For instance, the Summit Organising Committee and the Technical Committee would directly feed back into the council structures. In addition, to these structures the facilitators and rapporteurs organised themselves into a working group to produce reports, and manage processes that were within their ambit. Significantly, the work of the facilitators and rapporteurs was supported by a secure online space for these processes, which served to provide a common repository of documents and track progress on the project.

8.3.4. Developing position papers

In preparation for the summit, parties developed position papers. The position papers received are shown in Box 6.

Box 6: Position Papers for Public Service Summit

Towards a professional public service for South Africa: A position paper by the Public Servants Association (PSA)	Public Service Association
COSATU Position Paper for the Public Service Summit	Congress of South African Trade Unions
Improving public sector service and rendering of quality public service delivery in a developmental state	HOSPERSA
Summary of position paper on improving productivity and performance in the public service	Government
Resourcing the public service: Proposals for youth inclusion through public employment and learning and challenges facing young South Africans	Government
Position paper on work environment in the public service	Government
Building a single public service/ integrated public service for the Republic of South Africa	Government
Outsourcing and agentisation: Their impact on employment	Government

Note: The position papers are available from the PSCBC, as well a summary of the position papers. It is important to note that government, developed position papers for each of the working groups. Trade unions adopted a different approach developing one paper that speaks to each of the themes. A summary of all the position papers was undertaken, as part of the documentation prepared for working groups. The papers were summarised according to each of the working groups, with parties to the council being given opportunity to clarify the summary, and make amendments were necessary.

8.3.5. Working Groups

Parties established five working groups to undertake preparatory work, in the week preceding the summit (i.e. 1- 5 March 2010). The parties established the following working groups:

1. Resourcing the public service
2. Outsourcing and agentisation
3. Performance and productivity
4. Work environment
5. Review of remuneration policy and strengthening collective bargaining

For each of the working groups, a facilitator and a rapporteur were appointed. The facilitators were appointed from the PSCBC panel of mediators and arbitrators. The rapporteurs were seconded from the Office of the Public Service Commission. Box 7 indicates the responsible persons for each of the working groups.

Box 7: Working Groups

Working Group	Facilitator	Rapporteur
Resourcing the public service	Nomsa Mbileni	Annette Pool
Outsourcing and agentisation	Ebrahim Patelia	Bruno Luthuli
Performance and productivity	Thembekile Nsibanyoni	Tshepo Mokomatsidi
Work environment	Johnny Mathebula	Roderick David
Review of remuneration policy and strengthening collective bargaining	Kenny Mosime	Mmathari Mashao

The working groups were tasked with the following:

- Perusal of position papers
- Identifying and recording of areas of agreement and difference
- Facilitating discussion on areas of agreement
- Draft declarations on each topic
- Present to the political committee areas of disagreement
- Present draft declarations at the Summit for consideration and adoption

The working groups met between the 1 March to 9 March 2010, and at the end of the process developed a report from each working group, recording areas of agreement, disagreement and capturing the discussion. The working group reports were then consolidated by the Secretariat for the PSCBC as part of the conference documentation.

Several lessons were learned during the running of the working groups, especially that:

- The themes and topics for the working groups were interrelated, thus defining the scope for each working group was never exact.
- Significantly, the working group on resourcing the public service had an ever-growing list of issues to deal with. This was due to other working groups referring issues to resourcing working group, but also due to substantive inputs on resourcing emerging from position papers developed.
- There were significant areas of disagreement based on differing perceptions of content, policy and practise in many areas. This is related in part to differing interpretations of government policy, but more importantly the disagreements were on the implementation of policy as well.

8.4. The Summit Agenda

This section provides a summary of the agenda for the summit. It starts with a reflection of the theme of the summit, and then sets out the agenda.

8.4.1. Theme

The theme agreed to by the parties read as follows:

Positioning the Public Service towards a developmental state through effective service delivery

The exact wording of the theme was extensively debated, and indicated the following understandings:

- **Being constructed:** The theme indicates that as South Africa “we are not yet there” but in the process of transforming the public service, and creating a developmental state; and
- **Service delivery:** The emphasis on effective service delivery is important, because it implies that at the centre of creating a transformed public service to support a developmental state is improvements in service delivery.

8.4.2. The Agenda

With such an ambitious theme, the agenda for the Summit aimed to provide-

- Space for presentations by social partners and invited guests;
- Extensive time for commissions to deliberate on issues;
- Provide feedback to plenary on the work of commissions;
- For the Summit to accept conference reports; and
- Declaration to be endorsed by parties and signed.

Simply stated, the Summit agenda sought to fulfil a demanding agenda over a period of two and a half days. The programme for the summit is summarised in the box below, with the full programme included in Annex Two.

Box 8: Summary of conference agenda

	Thursday, 11 March 2010	Friday, 12 March 2010	Saturday, 13 March 2010
09:00-11:00	▪ Opening by Premier of KwaZulu-Natal ▪ Purpose of Summit and Speech by Peter Waldorf (PSI) ▪ Input by Randall Howard (Special Advisor to Minister of Public Service and Administration)	▪ Speech by Vic van Vuuren (International Labour Organisation) ▪ Speeches by Social Partners (i.e. Minister of Public Service and Administration, COSATU and Independent Labour Caucus)	▪ Tabling of draft declaration ▪ Finalisation of declaration by Political committee ▪ Presentation of final declaration.
11:30-13:00	▪ Update on pre-summit process ▪ Outline of commissions	▪ Commissions continue	

14:00-17:00	Commissions	- Report back from commissions - Adoption of commission reports	
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8.5. Summit Speeches and Plenary Discussions

The summit had a range of speakers, who provided insightful comment and inputs to support the work of commissions. The speeches delivered are available via the PSCBC. This section provides a summary of the speeches, outlining the major issues being talked about by speakers, together with a summary of major debates in plenary. The major themes highlighted in the speeches are summarised at the end of this section.

8.5.1. Dr. Zweli Mkhize – Premier of KwaZulu-Natal ³

The Premier of KwaZulu-Natal provided a welcome address to the summit. In a wide ranging speech he focussed on four key issues. These were:

1. The importance of the public service playing a role in reducing youth unemployment;
2. The commitment of government to providing services to the poor, will hinge on agreements reached in forums such as the Public Service Summit;
3. The need for parties to the PSCBC to commit to developing a partnership focussed on service delivery; and
4. The urgent need to tackle the challenges of public service delivery, within the fiscal and other constraints.

8.5.2 Peter Waldorf – General Secretary (Public Service International)

Peter Waldorf, in his speech, made the following points-

- The summit indicated a commitment to democratic principles, which would be an inspiration to countries like Zimbabwe and Swaziland where governments are undermining trade union rights and freedom of association.
- Argued that collective bargaining required both parties to be able to listen, and illustrated this with a story (See Box below). He argued that:

A real working together to prevent misunderstandings from happening in the first place, and a commitment to a process of dialogue that allows for grievances to be settled, and solutions to be reached – that's powerful.

Box 9: Harry and Sarah's Story

But let me start by sharing a small story with you. It's about this old couple, Sarah and Harry, who were asked how they had managed to keep a strong marriage for more than sixty years.

And you know, these were old people. Hard of hearing...

³ This is based on my notes, as no copy of the Premier's speech was provided to summit organisers. Need to check this according to actual delivery, which was recorded.

Sarah was often yelling at Harry to turn up his hearing aid so he could hear what she was telling him. And Harry was probably turning down his hearing aid so he didn't have to hear his wife asking him to do the same old thing all the time.

But despite these moments, they clearly had a loving and committed partnership that had lasted a very long time. So, what was their secret? Oh, that's simple.

They practiced the same as my wife and I do. We never go to bed angry with one another. We make sure we talk out whatever is bothering us first. Because otherwise you just can't get a good night's sleep. And the following morning is terrible!

And that was the foundation of Sarah's and Harry's collective bargaining process. Their commitment to talking with each other—to turning up their hearing aids to really listen to each other and try to understand and accommodate each other's needs—that's what helped them to build a rewarding, lifelong relationship.

- The collective bargaining process is based on the understanding that often conflicting interests must be reconciled between workers as wage earners, and the employer as the owner or shareholder.
- Work is related not just to providing food and shelter, but also to dignity, respect and hope.
- Sufficient taxes are required to provide quality public services, fair wages and working conditions.
- Progressive taxation is about ensuring that companies pay their debt to society. Consideration should be given to supporting the Financial Transaction Tax (FTT).
- Organisms and organisations thrive best when they are symbiotic and inter-connected.
- African governments are increasingly committed to mobilising resources to fund public services.
- Indicated that the PSI has a regional programme to carry out the campaign “The People’s Campaign for Quality Public Services”, which has amongst its goals:
 - Developing a responsive, people-centred vision of quality public services that benefits all South Africans;
 - Preventing the practices of outsourcing and labour brokerage that undermine workers’ conditions and the delivery of public services;
 - Ensuring gender equality is integrated into the alternative model to public service restructuring.
- Explained the example of Quebec (Canada) as an example of successful public service delivery.
- Collective agreements are living documents, requiring parties to be alive to changes in context and the implementation of agreements.

8.5.3 Randall Howard – Special Advisor to the Minister of Public Service and Administration

Randall Howard the Special Advisor to the Minister of Public Service and Administration provided an input on the state of collective bargaining. He provided context, which included:

- 2007 marked the longest public service strike.

- The strike left labour feeling undermined and imposed upon.
- The relationship between government and organised labour was at an all time low
- Many unresolved issues, especially around the Occupational Specific Dispensation (OSD)
- Lack of trust and credibility
- Current threats of industrial action, for instance in the health sector

In reflecting on the bargaining, Mr. Howard noted that:

- The structures for bargaining have been in existence for over ten years, and have performed relatively well.
- Need to better coordinate between the PSCBC and sectoral councils
- Need to develop a strategic long-term vision.
- Called for joint leadership between government and labour to develop this vision.
- Reflected on Birchwood One and Birchwood Two as examples of joint leadership.

Thereafter, he provided a reflection from the employer, which emphasised that:

- A well coordinated and synergised approach between the DPSA (as a lead department) and the sectors representing the mandate of the state would be developed
- Negotiation and budgeting processes need to be aligned.

After outlining the existing salary related issues, then called for a social compact, focussed on two areas:

1. Public service that delivers quality and accelerated services based on a change of culture in the public service
2. A new dedicated public servant committed to serve based on agreed attributes.

8.5.4 Labour caucus input on the developmental state

The labour caucus requested time in plenary, before the work of commissions began to provide an input on the developmental state. The input was provided by Lulamile Sotaka (President of NEHAWU). This important intervention sought to provide labour's position on the developmental state. The input covered several areas, with specific focus on the following:

- The importance of a common understanding of the developmental state;
- Pre-1994 the effects of apartheid were visible and based on racial lines;
- After 1994, neo-liberal policies were implemented that are not consistent with the developmental state;
- Developmental state is about giving quality services to the poor, which must be delivered through a strengthened public service and an interventionist state;
- Labour thus will provide resistance to outsourcing, agentisation, downsizing and job losses;
- Indicated that for Labour, a developmental state would have education, health, safety and quality jobs as its priorities;
- The private provision of health and education services has assisted in the decay of the public service.

- The Summit, which will take decisions with mandates from all sides, thus needs to have a common understanding of the developmental state. The theme of the developmental state and its meaning was a defining feature of the Summit. Eventually, agreement was reached in the declaration, which outlines the main features of the developmental state. (See Box on following page)

Box 10: Declaration on the Developmental State

(Further) The parties to this summit aim to promote a public service capable of meeting the aims and objectives of a democratic developmental state, which include –

1. Being people-centred and people-driven;
2. Creating a national vision, and mobilising society behind this vision;
3. Striving for a new and sustainable development growth path;
4. Restructuring the economy and striving for socio-economic inclusion;
5. Striving to achieve universal access to quality public services, decent jobs, food security and decent housing;
6. Strengthening of participatory democracy; and
7. A strong state that decisively intervenes in the economy to redistribute resources.

8.5.5. Vic van Vuuren (International Labour Organisation)

Mr. Van Vuuren, spoke about the Global Jobs Pact. In doing so, he spoke about the following in his introductory remarks:

- The history and mandate of the ILO
- Mandate today includes a declaration on social justice for a fair globalisation and the Decent work agenda
- Outlined the context of the Global jobs Pact; which was developed at a conference of the ILO in June 2009
- *The Global Jobs Pact sought to:*
 - Address the social and international financial and economic crises
 - Promotes productive recovery centred on investments, employment and social protection
 - Reduce time lag between economic recovery and decent work opportunities

He then noted the challenge of decent work, which at its core is about the value of human being. Key challenges include that:

- 45 million job entrants annually
- 300 million jobs to be created by 2015

He then explained the Global Jobs Pact, which :-

- Proposes a balanced and realistic set of policy measures to strengthen efforts to address crises while pursuing economic, social and environmental sustainability. Box 11 below provides a summary of the Global Jobs Pact.

Box 11: Global Jobs Pact

The Global Jobs Pact is a set of balanced and realistic policy measures that countries, with the support of regional and multilateral institutions, can adopt to ease the impact of the crisis and **accelerate recovery in employment**. Adopted in June 2009 by the International Labour Organization, it calls on its member States to put decent work opportunities at the core of their crisis responses. It addresses the social impact of the global crisis on employment and proposes **job-centred policies** for countries to adapt according to their national needs. Guided by the Decent Work Agenda and commitments made by the ILO constituents in the 2008 Declaration on Social Justice for a Fair Globalisation, the Pact recalls that that respecting fundamental principles and rights at work, strengthening social protection, promoting gender equality and encouraging voice, participation and social dialogue are critical to recovery and development. It proposes a portfolio of policies aimed at:

- Generating employment
- Extending social protection
- Respecting labour standards
- Promoting social dialogue
- Shaping fair globalisation

In short, **the Pact is about promoting jobs and protecting people**, about responding to both the people's agenda and the needs of the real economy.

Source: International Labour Organisation (<http://www.ilo.org>)

He then focussed specifically on South Africa, noted that South Africa:

- Identified for global jobs pact initiatives
- Has in place a National framework agreement, with the following key features
 - Investment in infrastructure
 - Macroeconomic policy response
 - Industrial and trade policy measures
 - Employment measures
 - Social measures

Finally, he noted the importance of developing and implementing

- Decent work country programme
- Social dialogue

8.5.6. Minister Baloyi

The Minister for Public Service and Administration, Richard Baloyi, indicated that parties could work together to achieve common goals. Furthermore, he restated a commitment to stable; sound, healthy and fair labour relations. In a speech asking the demanding question – who cares – he outlined the following challenges:

- Implementation of policies
- Service delivery protests
- Importance of defending decisions
- Value for money to citizens
- Corruption remains a major issues
- Perception that public service workers is not an employer of choice
- Importance of government and labour working together

The Minister noted that the role of social partners at this summit is to create a better South Africa through accelerated delivery of quality services for a better life for all the people. In this regard he argued that:

- Commitment to the developmental state by all parties
- Public servants crucial to realising the developmental state.
- Need to confront challenges and communicate this to the people, especially when government does not meet its obligations
- Public service a key instrument in the hands of the state to deliver on its objectives.

The Minister further explained the process of securing labour peace in the public service since 2007, focussing on engagements around the OSD and the Birchwood engagements. He invited labour to form a social compact on the following issues:

- Mobilising and educating union members to become the new dedicated public service cadre;
- Campaign against all forms of corruption; and strengthen enforcement mechanisms (e.g. suspension with pay)
- Create a morale boosting work environment
- Work for a more integrated public service through the Single Public Service.

He concluded by noting that the objective of summit to provide political and strategic direction to some of the most pertinent issues involving human resources in the Public Service. Minister Baloyi, concluded by stating a challenge that despite the success in rebuilding peaceful collective bargaining it should still be build “step by step and brick by brick”.

Box 12: Minister Baloyi asking and answering the question “Who cares?”

In a gathering like this, and given the debates at the public discourse and the age of times where we find ourselves today, one wonders why we should not ask and seek answers to the question, “Who cares?”

Who cares when we have a history of finding solutions for the challenges that confront us but shudder at times when we are called upon to defend the solutions of choices we employed? Who cares?

Who cares when the gains of such a history may be reversed at the slightest opportunity when the architects delight in finger-pointing, cheap point scoring and sectoral extremism? Who cares?

Who cares when we find reasons to bang each other’s head against the wall simply to advance our respective opportunistic and selfish interests? Who cares?

Who cares when there is a perception that those involved with public service, as employers and as employees, are not doing enough to market the public service environment as an employer of choice to attract the skills needed? When the employees, through their trade union formations or as individuals project the environment as pathetic, and the employer, through their formations and individual commentators, always point a finger at the employees? Who cares?

Who cares when a common denominator in explaining who we are is the word “corruption?”...

...So, if you were to continue to ask the question “Who cares”, the answer would immediately say that all of us present here care. It will say the Government of South Africa cares. It will say that the Congress of South African Trade Unions (COSATU) and their affiliates care. The answer will be that the Independent Trade Unions and their affiliates care. The answer will confirm that the general public, as the receivers of the services that we deliver, care. The business community cares, and so the whole nation (cares).

8.5.7. Tyototy James (COSATU –1st Deputy President)

Tyoto James started his speech with a review of the Reconstruction and Development Programme. In this regard, he noted that the RDP:

- Recognised the legacy of apartheid, which was inefficient and out of touch with the people;
- Democratisation requires modernising the structures and functioning of the state.

Mr. James then went to compare two different conceptions of the state.

- A lean and mean state, suggesting that South Africa should merely play an enabling role. This perspective was prevalent at the time of transition to democracy in South Africa, and supported by the World Bank and International Monetary Fund (IMF). Privatisation and deregulation were policies supported by this process.
- The RDP argued for a developmental state that would play a significant role in the economy and more generally in society. The size of the public service would be determined by the magnitude of the programme that the state needed to implement. In turn, this rested on a philosophical stance that supported an active state and regulated markets. This requires the public sector (including local government and state owned enterprises) to play a role as a key economic agent.

The arguments against public-private partnerships (PPPs) and agentisation were located in this context, with Mr. James stated the Cosatu position that a moratorium on outsourcing and agentisation be implemented. Cosatu would thus attempt to convince Summit about 12 areas of focus. See Box Below:-

Box 13: Cosatu’s 12 points

1. Move away from regulatory state towards more state intervention in the economy and ensure public service provision and access.
2. Implementing a moratorium on the establishment of government agencies and the review of existing agencies, which are providing public services.
3. Implementing a moratorium on the usage of labour brokers by the public service and the future process of banning labour brokers and to ensure that the inspectorate of Dept. of Labour is effective in monitoring the usage of labour brokers.
4. Fill existing vacancies, review existing list and develop a new developmental state perspective on employment to address access to quality public services.
5. Reverse processes of transferring employment contracts out of public service to FET colleges, agencies, outsourced entities.

6. Ensure that the agreed comprehensive review of all conditions of employment including the remuneration policy is implemented.
7. Introduce new measures to deal with corruption and fraud in the public service.
8. Implementing a moratorium on outsourcing, PPPs and the review of existing outsourced projects and Public Private Partnerships (PPPs), in line with the Polokwane Resolution and as part of the priorities of government in the manifesto.
9. Ensure the implementation of the 10-Point Plans for education and health and the NHI.
10. Address specific public service difficulties - education, health, criminal justice - looking at resources, infrastructure, employment
11. Need to establish a partnership with public service unions to continue discussions and monitoring of implementation of agreements
12. Need to look at convening a Public Sector Summit, which would include other segments like SOEs [and] local government,

8.5.8. Manie de Clercq – Independent Labour Caucus

The speech started with recognition that a 'well-oiled state machinery' was needed, but not yet in place. Evidence of this could be found in service delivery protests and weaknesses in the public service, argued Mr. De Clercq.

He further noted that two parallel spaces for the delivery of services:

1. Offers substandard services to a large reservoir of poor people
2. Private sub-state that is occupied by a minority of privileged citizens who receive quality services

A new character and role for the public service was thus needed, and requires an understanding of the developmental state, that includes the following:

- Developmental state promotes and facilitates economic growth on the one hand, and social development on the other hand. Importantly, economic growth and social development is seen as mutually reinforcing.
- However, practical steps are needed in the public service, as it is the engine of the developmental state. This included creating a new ethos of hard work, with a heightened sense of social responsibility. Achieving this will require tackling corruption and the crises of confidence in the public service.

In this regard, Mr. de Clercq argued for the need to develop a professional public service, and for the need to clear blockages within the three-tier system of government (See Box below). Moreover, there was a need to recognise that there must be a balance between worker rights, and the rights of the poor and all citizens. Achieving this would require creating a people-driven and professional public service, where the public service is the employer of choice.

Box 14: Independent Labour Caucus' on public service leadership and the developmental state

If South Africa is to realise its aspirations of a developmental state, the country would need to move towards a people-drive and professional public service. For this to happen, the political leadership and senior managers would need to make the public service an employer of choice by creating a congenial environment for a skilled and motivated workforce.

So, as South Africans continue to yearn for the provision of quality services by a well-oiled state machinery, those in our society who are entrusted with the authority to make decisions must do everything in their power urgently to deal the serious weaknesses in the public service - particularly those that relate to inadequacies in the culture of professionalism, insufficient human resource capacity and a lack of highly specialised skills.

As leaders in the public service, we believe that this is achievable.

8.6. Reports from Commissions

The commissions worked over the course of the summit. The facilitators and rapporteurs for the commissions were the same as those that coordinated the working groups in the pre-summit dialogue. This section of the summit report summarises the reports from commissions that were endorsed by the summit. The full reports are available in Annexes.

8.6.1 Resourcing the public service

Both the working groups and the commissions on "Resourcing the Public Service" held the most number of sessions between parties indicating the importance of the issue. The report from the commission covered the following areas-

- Overarching issues related to resourcing in the public service;
- Sectoral issues, specifically in health, education and the criminal justice system; and
- Proposals for youth employment in the public service.

8.6.1.1 Overarching issues

The commission agreed to a theme to guide their work, which was "Quality Service Delivery through Labour Intensive Resourcing". Under this theme the following areas of discussion points were noted:

- The provision of quality public services and opportunities, especially to the poor, is the most important role that the public service plays.
- The aim of resourcing the public service is to extend services to and improve the quality of services to the citizens of South Africa.
- There is a need for the development of skills and provision of adequate resources, so that every citizen has access to basic services.

- All vacancies in the public service are funded, and consequently there should be an undertaking by Departments to fill all funded vacant posts.
- Once funded vacant posts are filled, it should be ensured that there is a balance between staffing components and the quality of service delivery.
- Posts at all levels, especially lower levels, should be filled.

The agreements reached in the commission were as follows:

1. Configuration and alignment of national and provincial departments to ensure quality service delivery.
2. The filling of all vacant funded posts should be expedited, in accordance with PSCBC Resolution 1 of 2007.
3. Public Servants should be appointed in positions on the basis of their expertise and competence.
4. The importance of competency assessment of all public servants; in particular all levels of management; should receive priority attention.
5. Sufficient budgetary allocations for the creation of quality posts should be secured.

8.6.1.2 Health

The discussion on health provided for a robust discussion, with the following areas of discussion emerging as particularly important:

- Development of an effective and comprehensive Human Resource Health (HRH) plan which should formulate acceptable staffing norms that should be the basis for HR planning throughout the health sector.
- A process that determines a minima and maxima range is needed in Health.

The following concerns should be recognised in the National Human Resources in Health:
1. Location (geographic), 2. Socioeconomic status, 3. Size of the population, 4. Burden of

- Disease.
- Need to develop the HRH plan in line with national standards considering nurse/patient ratios.
- The employer indicated that the Health section has the 10 point plan which should be implemented as it would be able to deal with these areas. Included in this area, is the lack of structural, physical and material resources, e.g. instruments, medicine.

The commission reached the following areas of agreement:

1. A process of developing acceptable staffing norms and standards that are compatible to South Africa, considering benchmarking internationally, including –
 - Location;
 - Socio-economic status;
 - Size of the population; and
 - Burden of disease

The 10 point plan of the Department of Health is endorsed.

8.6.1.3. Education

The parties debated several aspects of basic education and reached agreement on the following issues:

1. Reduction of overcrowding in schools through the introduction of favourable class sizes.
2. Provision of more classrooms to accommodate the reduction of class sizes.
3. The parties note the 10 point plan for Basic Education, details of which will be further discussed in the sector.

Debate on the Further Education and Training Colleges (FETC) resulted in several areas of disagreement. The major area of disagreement on FETC related to whether they should be integrated into government. Whilst, there was no finality reached on this issue, the parties nonetheless agreed to the following:

1. Any amendment to the FETC Act, would be considered within the following context –
 - that the public sector institutions and public paid employees will be the main delivery conduit;
 - that the newly created Department of Higher Education and Training (HET) needs to develop a new and transformed education system based on a seamless integration of post school education and training.
 - That the Department of HET urgently begin a full participatory process through a Green Paper to carve out a responsive state machinery that delivers quality integrated nationally driven HET system.

8.6.1.4. Criminal justice cluster

In terms of the criminal justice cluster, a set of agreements were reached. These agreements are:

1. Recruiting, attracting and retention of skilled personnel agreed upon.
2. To investigate the possibility to include volunteers in formal employment in the public service.
3. Specific training of police officials and volunteers responsible for taking of statements, should be prioritised, priority.
4. The decentralisation of the Forensic Laboratory such that there would be a Forensic Unit in each province.
5. Making more human and financial resources available to strengthen and improve the witness protection program, parole system, community re-integration system and restorative justice system.
6. The integration of the metro police, traffic and SAPS under one National Commissioner of Police is agreed.
7. That the employer complete the work on revising the Protected Disclosures Act (Act 26 of 2000) also known as the Whistle Blowing Act, as a matter of urgency. This revision must take into account the strengthening of the Act to protect whistle blowers from victimization of any kind. This work should be completed by 2011.

8.6.1.5. Youth employment

The parties agreed to the importance of creating employment for young people in South Africa. The commission in fact agreed that:

Youth employability is a serious problem, further exacerbated by lack of sufficient attainment of Education and Training as well as of work place based learning, experience and employment. However, no agreement was reached on the specific mechanisms to translate this recognition into practice. There was significant debate on a set of proposals developed by government on introducing learnerships, internships and transitional jobs. The proposals are summarised in the Box 15 below:

Box 15: Government proposals on youth employment in the public service

	Stream 1 Transitional Job	Stream 2 Learnerships, Apprenticeships & Skills programmes	Stream 3 Internships	Stream 4 Expansion of Lower Grades
Description	Fixed term appointments that offers a school leaver a first work opportunity for a defined period such as 12 months.	Enables opportunity to gain work-linked training opportunity	Post FET or HET opportunity to gain practical experience	Expansion of job opportunities in the lower grades of the public service.
Target	School Leavers without tertiary qualification	School leavers and unemployment graduates	Unemployed Graduates	Unemployed youth. Appointments depend on requirements of job.
Length	12 months	12 months, or determined by length of training opportunity	12 months	Permanent or temporary dependent on government rules
Funded From	Government	Government	Government	Government

The commission, and ultimately the summit, committed themselves to further discussions in these areas.

8.6.2. Outsourcing and agentisation

The topic on outsourcing and agentisation was always going to be contentious. During both the working groups and commissions it emerged that agreements on areas of substance would be unlikely to emerge, and focus was thus placed on agreements to continue discussions in this area. The commission reached the following agreements:

1. Review the impact of existing outsourcing and agentisation practices. The review to take place within the PSCBC structures. The parties to the PSCBC will define the Terms of Reference for the review. The timeframes for such a review will be determined by the parties at the PSCBC on an urgent basis, and

2. Convene a Public Sector Summit, which will include Municipalities, Agencies and State Owned Enterprises envisaged to take place by 31 August 2010.

The agreement thus takes forward a process of continued engagement on this important area. The commission also recorded the areas of disagreement, as encapsulated in the following-

1. Moratorium on Public Private Partnerships (PPPs) in the form of outsourcing and concessions;
2. Moratorium on the establishment of new agencies be implemented; and
3. Where appropriate, provincial departments should devolve administrative powers to institutions 13 and productivity. A task team should be established by the PSCBC for the purpose of conducting a comprehensive research by not later than April 2010. The findings or outcomes of this research study shall inform discussions on sector specific performance management system for levels below the SMS by not later than September 2010. Implement an ongoing feedback mechanism on performance should be timely, continuously and consistently applied.
2. Ensure that the developmental aspect of the performance management system is emphasised for the purpose of improving performance and productivity in the Public Service.
3. Introduce a moratorium on the awarding of performance related incentives on those departments that do not comply with the requirements of the PMDS until such time that the system is effectively implemented by not later than 30 April 2010.
4. Inculcate a culture of performance in the Public Service as part of accelerating quality public services.
5. Ensure that the PMDS policy is applied uniformly in the entire public service. In addition, there is a need to be able to measure performance of all employees.
6. Identify issues to be measured and these should be accompanied by standards. These standards should be understood by all parties. In addition, these standards must be supported by the creation of a conducive working environment.
7. Recognise that if the system fails for one or other reason blame for non-delivery of services in a sector or department should not be apportioned to everybody.
8. Strengthen accountability for results.
9. Managers, supervisors and employees should be provided with training and development interventions to ensure that the PMDS and other performance management system applicable in the public service are properly implemented.
10. Therefore, all the proposed measures to improve productivity and service delivery needs to be supported by an effective public transport system.
11. Develop proper knowledge management systems to enhance productivity by ensuring that institutional memory and experience is retained for improved service delivery.
12. There is a need to ensure that ongoing skills and capacity development should be undertaken as part of improving public service productivity and delivery.

8.6.3. Productivity

The commission noted the need to introduce flexible working arrangements so that services could be

provided to society even after the normal working hours of a department to enable access to services after hours. The commission also indicated that parties at the sectoral level would need to agree on the modalities, which take into consideration the issues unique to those sectors.

After significant discussion on this point, the commission resolved to:

1. Introduce flexible working hours taking cognisance of the needs of employees and the recipients of service. The modalities of introducing and implementing the flexible working arrangements should be dealt with by the sectoral councils by 30 April 2010.
2. Recognise that there is a need to introduce flexible working arrangements so that services could be provided to society throughout the working hours of a department, by no later than 30 April 2010.

8.6.4. Work Environment

The commission on the work environment provided a detailed set of agreements, and an action plan. The commission started by noting that:

- The issue of moonlighting by nurses need to be highlighted as it threatens the lives of patients and standards of service delivery.
- An in-principle agreement to fully, resource schools, hospitals and similar state institutions technologically.
- Decentralisation of procurement for the provision of services at the local level (especially hospitals).
- A decent job is a job with benefits. A conducive workplace environment needs equal pay for jobs of equal value.
- An action plan needs to be agreed to, in order to absorb all temporary workers who are employed by government and its agencies in the true spirit to end casualisation.
- The process of right-sizing, downgrading must be stopped.
- Equal pay for equal work must be entrenched.
- Conducting of job-evaluations to be centralised at DPSA.
- A practical human resource development plan to be implemented.
- An audit of infrastructure and resources need to be undertaken (libraries, personnel, laboratories, etc) in order to deliver quality services.

The commission agreed to the following areas:

1. Conducting health risk assessments.
2. Creating a single health information system for employees in the public service and guarantee the confidentiality of such information.
3. Addressing the plight of women, through child care facilities and provision of ECD.
4. Expanding occupational health service.
5. Exploring the issue of the proposed Rail Accident Fund in other fora as it has implications broader than the work environment itself.

6. Investigating and put plans in place to reduce all areas of overcrowding in government institutions, in particular, schools and prisons.
7. Improving facilities and equipment to ensure both the physical and psychological well being and safety of employees.
8. Improving the work environment for people with disabilities to make it fully accessible and user-friendly.
9. Recognising that the issue of public transport infrastructure impacts on the work environment.
10. To give effect to these resolutions, the commission agreed to an action plan, which is recorded in Box 16.

Box 16: Action plan from the Work Environment Commission

- Development of an overall workplace environment improvement plan must be developed;
- Implementation of the Employee Health and Wellness Strategic Framework with joint steering committees between labour and government;
- Conducting an integrated health risk assessment;
- Supporting both the implementation of the ILO recommendations and implementation of South African National Plan on HIV and Aids;
- Establishing child care support facilities with access to ECD at government departments;
- Supporting the National Health Insurance (NHI) and other social security schemes;
- Ensuring the consistent application of all relevant legislation is adhered to;
- Conducting an audit of all funded and vacant posts and these posts to be filled as a matter of urgency; and
- Tabling the issue of public transport infrastructure at NEDLAC.

8.6.5. Remuneration policy and strengthening collective bargaining in the public service

The commission noted that extensive work in this area had already been conducted on the 11 June 2009 and 15-16 October 2009 at the Birchwood Conference Centre.

After extensive discussion, the commission agreed to a review of remuneration policy based on Resolution 5 of 2009 (Clause 3.4), which is recorded in Box 17.

Box 17: Agreeing to review remuneration policy

Clause 3.4 of Resolution 5 of 2009, reads as follows:

3.4. New matters for negotiations

3.4.1. New matters identified for negotiations shall be dealt with as follows:

- (a) Parties to embark on a comprehensive review on the remuneration policy, benefits and allowance system within the Public Service;
- (b) The comprehensive review to be completed and implemented as agreed to in respective resolutions so concluded.

Source: Resolution 5 of 2009.

The commission further indicated that the terms of reference for the review be completed by 30 March 2010, and that the following be used as a basis for a terms of reference:

- Downgrading must be put on hold and a process of discussions implemented;
- Entrenching the principle of equal pay for work of same value;
- Streamlining of allowances;
- Better remuneration structure for specialist employees;
- Centralisation of job evaluation within DPSA for all departments;
- Recognition of qualification in appointments and promotion;
- Practical Human Resource Development (HRD) programme to promote career pathing as envisaged in the OSDs;
- Defragmented and inconsistent application of remuneration policy within departments and provinces (be investigated);
- Impact of implementation of the Occupational Specific Dispensation (OSD) on remuneration;
- Impact of the Executive Authorities power on the implementation of the remuneration policy;
- Salary levels; and
- Impact of the implementation of PMDS on remuneration policy

The commission also reaffirmed their support for agreements reached at Birchwood One, which entailed:

- Mandating process must be reviewed to be more efficient.
- Parties must act within and respect the principal's mandate.
- The PSCBC resolutions must be respected and implemented by the parties monitored by DPSA in consultation with PSCBC. PSCBC explanatory notes, directives should be attached to the resolution to supplement implementation programmes.
- Centralised bargaining remains a key feature and need to be strengthened by aligning constitutions of the sector councils to that of the PSCBC.

- The need for the alignment of processes between budgeting and collective bargaining. Parties should consider concluding negotiations prior to the determination of the budget.
- PSCBC must concretise a Code of Conduct and manual for procedure on negotiations and this must be observed by all parties.
- DPSA must take responsibility to ensure implementation of resolutions by all departments and monitor compliance.
- Capacity building programmes must be identified for party representatives to be trained and to enhance their skills.
- Summit on collective bargaining should be arranged to strengthen the PSCBC
- Parties should enter into proper assessment and review of the current bargaining structures and develop new ones suitable for the contours of the Public Service.

8.7. Lessons Learned

The Public Service Summit was an innovative attempt at revitalising a commitment to transform the public service. The process and outcomes thus required everyone participating in the Summit to “learn on the job”. In many ways, the process and outcomes could be seen as imperfect, but this was expected. After all, the Summit reflected the first attempt at social dialogue in South Africa, which attempted to comprehensively look at ways to strengthen the public service reform process.

Through this process of experimentation, four major positive lessons have emerged from the Summit. These are:

1. **Beyond adversarial bargaining:** After the 2007 strike, labour relations in the public service were acrimonious. On the one hand, unions were accused of serving a “selfish” interest. On the other hand, government was equally accused of placing financial constraints ahead of service delivery. Moving from this position, to reaching substantive agreements on areas such as performance and productivity, is a significant achievement. In fact, the success of the summit would not have been possible without the processes that were undertaken after the 2007 salary negotiations.
2. **A broader long-term vision:** The summit reached agreement on important issues. The ability to reach these agreements is surprising, given the fact that there is no long-term vision and strategy for public service reform. In fact, the agreements reached at the Public Service Summit could provide the basis for a long-term vision and strategy to creating a professional and productive public service that serves the citizens of South Africa. The lesson learned is that the foundation for a long-term vision and strategy currently exists.
3. **Frontline service delivery:** An important focus throughout the Summit was a focus on frontline service delivery institutions, like schools, hospitals and police stations. The agreements reached thus take the coalface of delivery as a starting point to reaching agreements. This is an important foundation on which to build a broader long-term vision for the public service.
4. **Transformative bargaining:** Over the years there have been various calls from every quarter for the PSCBC to engage in “transformative bargaining”. Whilst there have been differing interpretations on the meaning of term, the central idea is that collective bargaining institutions must have a wider mandate of improving service delivery. The Summit suggests that the first steps to reaching a transformative bargaining agenda have been established. The focus of the Summit

was on improving the public service to deliver services effectively and efficiently. In doing this, there is recognition that a developmental public service is the foundation on which a developmental state will be entrenched in South Africa.

However, as is to be expected, the Summit also raised significant challenges. Three major challenges exist to strengthening social dialogue in the sector. These are:

1. **Service delivery methods:** The inability of the Summit to reach substantive agreements on outsourcing and agentisation indicates a chasm between trade unions and government. The Summit however reached important agreements on a process to debate and discuss the question of outsourcing and agentisation. The issue of service delivery methods is crucial to improving public services. Significant work is required in this area to reach agreement on methods of service delivery.
2. **Pre-summit preparation:** A major lesson is that the pre-summit preparation could have been strengthened through two mechanisms. First, social dialogue requires a continuous flow of information, and an exploration of ideas. This requires a space to be created where parties to the bargaining council can engage on public policy issues, without the urgency of preparing for a summit. The preparations could be left to PSCBC Secretariat. Second, whilst the agreements reached at the summit provides for substantive agreements, with the benefit of more time to focus on areas of disagreements (and revise mandates) the possibilities for strengthening social dialogue could be enhanced.
3. **Differing understandings:** A key feature of the debates in working groups and commissions was that the disagreements were mostly not one what the current policy says. Rather, the disagreements were around how existing policy is being implemented. This is due to trade unions basing their understandings on the experience of members, whilst government focuses on reports on implementation from senior managers in the public service. In some senses, both sets of understanding have a truth to them. However, bridges the gap between the experiences of workers on the one hand, and managers in the public services, is required to improve public policy. Through narrowing the gap between these understandings, an environment could be created to reach substantive agreement on important issues, such as the contribution of the public service to supporting youth employment in South Africa.

8.8. Conclusions

The Summit provided an important experience in social dialogue in South Africa. In doing so, it reached a set of significant agreements to improve the public service. Included in these agreements are the following commitments:

- Providing quality public service through labour intensive resourcing;
- Commitment to implementing and improving the performance and productivity systems in the public service;
- Creating a conducive work environment;
- Engaging on service delivery models; and
- Committing to strengthening collective bargaining and social dialogue in the public service.

8.9. References

Adler, G. (ed) (2000). *Public Service Labour Relations in a Democratic South Africa*. Johannesburg:

University of Witwatersrand Press.

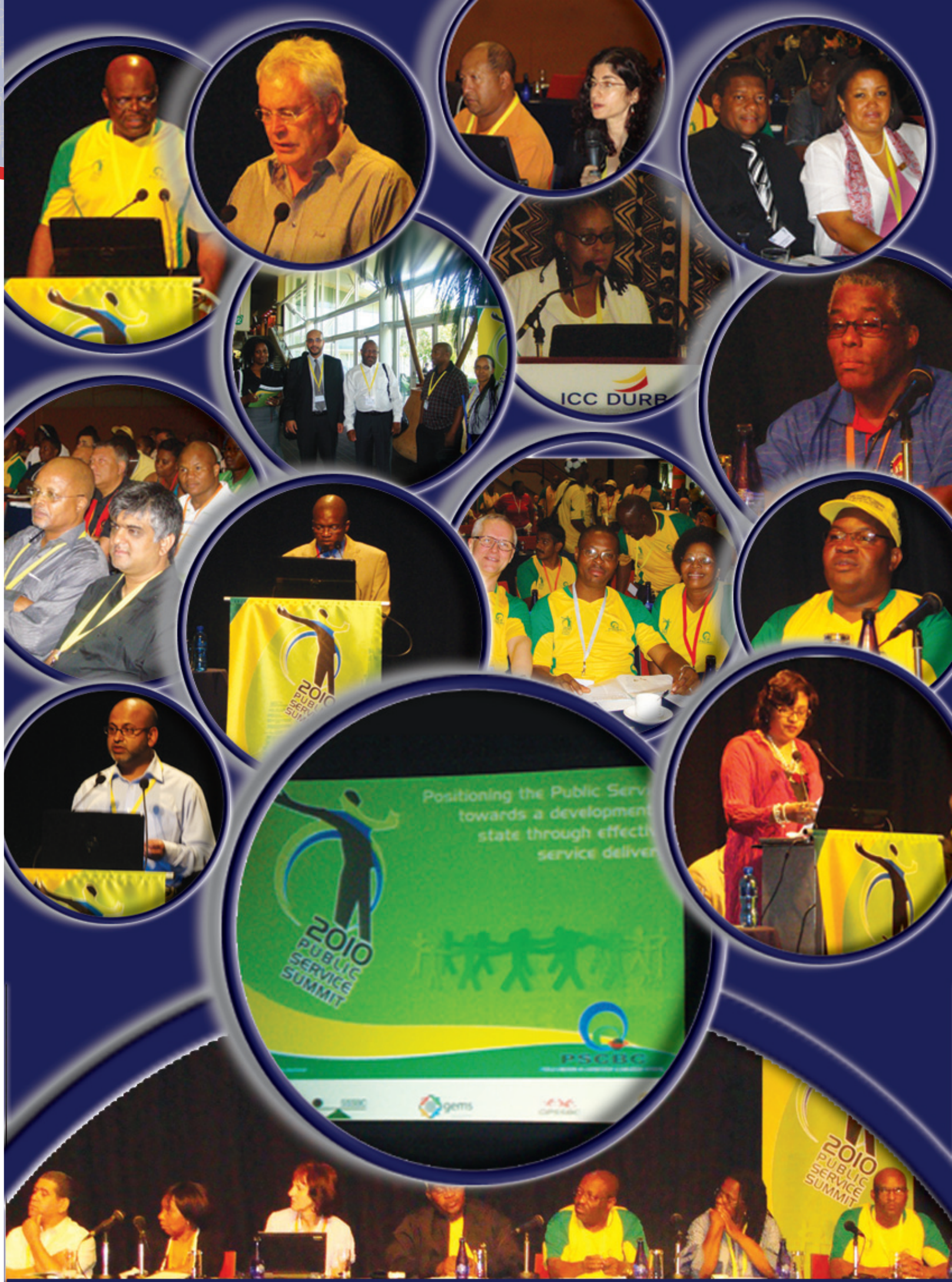
Public Service Coordinating Bargaining Council (2002). *Annual Report (2001/2002)* Centurion: Public Service Coordinating Bargaining Council

Public Service Coordinating Bargaining Council (2007). *Sixazulula Ngezingxoxo Masixoxisane (We Resolve by negotiations, Let's Negotiate): A 10 year review of the PSCBC* . Centurion: Public Service Coordinating Bargaining Council

Statistics South Africa (2009) Bulletin of Statistics. Vol.43, No. 4

PSCBC Resolutions

Resolution 7 of 2002; Resolution 1 of 2007; Resolution 2 of 2009; Resolution 5 of 2009



9. CONFERENCES & SEMINARS

During the period under review, the PSCBC, in fulfilling one of its Strategic Objectives (Partnership Strategy), attended the following:

9.1 High Level Tripartite meeting: ILO - Geneva, Switzerland: 19-20 November 2009

The PSCBC took a decision to honour an invitation to attend the High Level Tripartite meeting on Collective Bargaining - Negotiating for Social Justice. The PSCBC was represented by the Acting General Secretary, Ms Valencia Kola, who made a presentation on the Enabling Environment – A South African perspective.

Accolades were received from the ILO.

9.2 The 15th International Industrial Relations Association (IIRA) World Congress – Sydney, Australia: 24 – 27 August 2009

On 24-27 August 2009 the PSCBC sent a delegation of 21 members to attend the 15th World Congress hosted by the International Industrial Relations Association (IIRA) in Sydney, Australia.

The IIRA was established in 1996 in response to a growing need to develop and exchange knowledge in the field of industrial relations, at the international level, and provide the academic and the practitioner with a forum for discussion and research.

The congress was attended by 900 delegates from academics to practitioners who came from all continents including the presenters who were drawn globally from diverse professions from academics, researchers to industrial relations practitioners.

The world congress is viewed as a forum for sharing experiences in order to gain better understanding of global and regional industrial relations practices and legislation.

The theme of the congress focused on future directions for work, organizations and employment relations. The aim of the congress was to explore how both developed and developing economies deal



with new challenges arising from the impact of globalization on the nature of work, organizations and institutions and particularly examining the new forms of voice and representation for workers as well as how families and communities deal with the changes.

The papers presented explored an international perspective on the global challenges such as social, economic and political challenges and how countries respond to them. More than 50 research papers were presented in the plenary and workshop sessions.

Of particular importance to the PSCBC delegates was the Special Symposium on *Varieties of New Public Management and Public Service Employment Relations: An International Comparison* with its focus on Public Service. The papers analysed Public Sector Employment Relations in Australia, New Zealand, Germany, UK, USA, Scandinavian countries, Italy, France and South Africa.

PSCBC's participation in the IIRA World Congress has empowered delegates to grasp the global trends with respect to employment relations, human resource practices and provided an opportunity for members to network and share experiences with academics and practitioners from different countries.

9.3 Visit by other Countries

During the year under review the PSCBC was visited by a delegation from Netherlands and Zimbabwe.

9.3.1 Delegation from Netherlands

The delegation visited the PSCBC on 10 December 2009 and the following presentations were made:

- History of Labour Relations in South Africa;
- Collective Bargaining systems in the Public Service; and
- Dispute Resolution in the Public Service.

9.3.2 Delegation from Zimbabwe

The delegation visited the PSCBC on 17 November 2009 and the following presentations were made:

- History of Labour Relations in South Africa;
- Collective Bargaining systems in the Public Service; and
- Dispute Resolution in the Public Service.

The PSCBC is proud to be associated with international organisations and strive to be a role model and leader in the field of Labour relations in the SADC region.



9.4 Visit by the Girl Children from Dr WF Nkomo High School – Atteridgeville

On 28 May 2009, the PSCBC participated in another very successful Cell C “Take a Girl Child to Work” event by hosting twenty grade 10 & 11 girls and their teachers from the Dr WF Nkomo High School in Atteridgeville, Pretoria, to a most memorable day. Take a Girl Child to Work Day is an annual corporate social investment event, held in South Africa since 2003.

The theme for this event was ‘Change your World’. As role models and caring citizens, it is our duty not only to educate our girl children about the changes they can make in their worlds, but to actively guide them to make empowering choices that will lead them to prosperity.

The “Take a Girl Child to Work” day has the ability to change the lives of these young girls as it provided them with an opportunity to gain a glimpse into the world of work, a place they would need to step into in the future, confident of leaving their mark for others to follow.

The girl children from Dr WF Nkomo High School were treated in true bargaining council fashion. The day was marked by exposing the girls to a council meeting in session, different departments within the PSCBC, as well as motivational messages received from different managers and staff of PSCBC and the respective sector councils. This opportunity has been really inspiring to the girls and something that will be remembered by them for a long time to come.

The girls were also spoiled with some wonderful gifts to take home. The girls and their teachers expressed their sincere appreciation and gratitude for been given the opportunity to share in the activities of Council and sector bargaining councils.

It was indeed a great honour for the PSCBC and its sector councils to have spent such a day filled with laughter, love and festivities with the girls and their teachers. The PSCBC would like to wish them and their school all the best with their future endeavours.



9.5. IRASA – The road ahead

During the last year, IRASA has been struggling to sustain itself financially. The poor financial position resulted in ending the contract of the Events Co-ordinator, Portia Manele. The administration of the organisation was run by PSCBC, as an interim measure.

The year also witnessed the resignation of the Treasurer, Nischal Khandai and the President, Judge Edwin Molahlehi due to other commitments. Efforts to resuscitate and renew the organisation by the current Executive have not borne any fruits or success, due to the capacity problems. Executive Committee members have been committed to the revival of the organisation however do not have the time or capacity to implement the revival strategy.

This initiated a research project to determine the relevance of the organisation in the labour market, an analysis of the needs of HR and ER practitioners, academics and role players. The research is being carried out nationally, although it was initiated in the Western Cape. The Western Cape branch of IRASA has been active, hosting seminars and workshops during the year.

Part of the research would consider the needs of corporate world, statutory bodies and how they could play a role in funding the organisation. Clearly the time has come to explore a new funding model that will ensure the sustainability of the organisation.

The international body, IIRA is also going through some changes, reviewing its name, as globally there has been a move from industrial relations to employee relations, and a broadening of its scope to other human resources areas including social security, skills development etc.

With the continued commitment and support from PSCBC and other bargaining councils, IRASA is sure to grow to new heights. A joint effort from all labour institutions must be forged to ensure the organisation is sustained.

FINANCIAL REPORT



10. FINANCIAL REPORT

10.1 Annual Financial Statements and Auditors Report

10.2 Departmental Report

10.2.1 Terms of reference of the Financial Committee

The following duties are assigned to the Financial Committee:

- Formulate financial policies and procedures
- Recommend practical ways of implementing these policies
- Review budgets and recommend to Council
- Review financial statements and ensure that financial policies and procedures are adhered to
- Discuss the audited financial statements and management report with the auditors
- Consider and recommend the acquisition of capital expenditure items within the budget
- Discuss and manage the expenditure of special projects; and
- Cash flow management (including treasury functions).

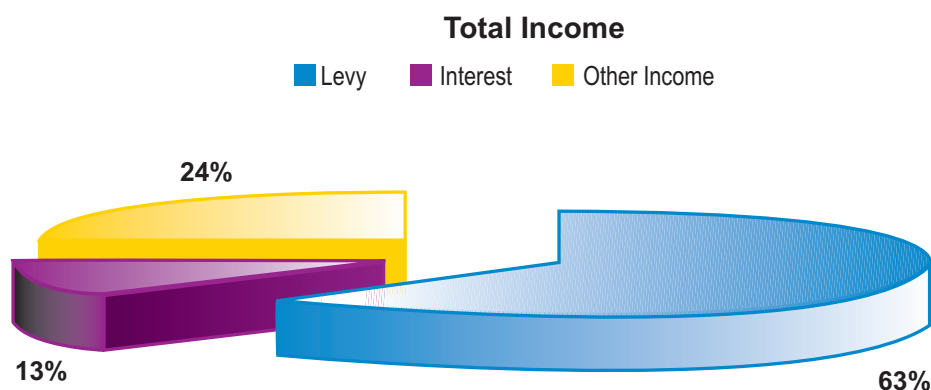
10.2.2 Financial analysis

a. Total income – Levy Account

The overall income for the Council during the 2009/2010 financial year was R22 415 633 of which:

- 63% is generated out of the levies from the public service as per the PSCBC Levy Agreement (Resolution 5 of 2003),
- 13% is generated from interest earned on the levy, agency fees and projects accounts but only 8% is generated from the levy accounts
- 24% is generated from other income.

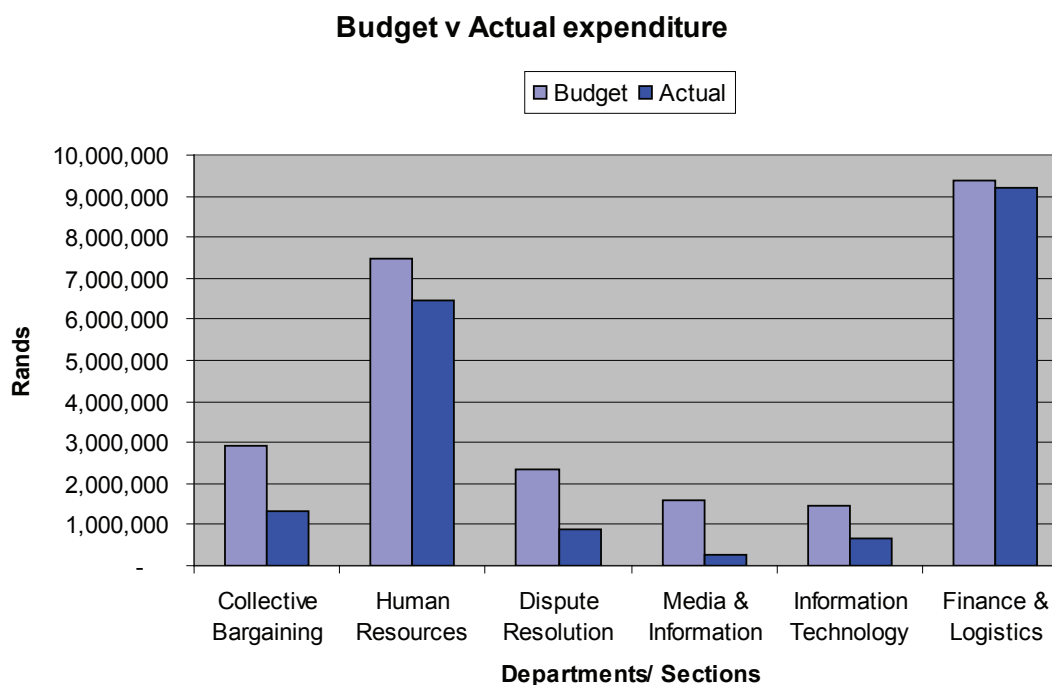
The levies received of R14 232 679 is more than the projected income of R13 404 043 for the year and that leaves the Council with a projected surplus of R 828 636.



b. Total expenditure – Levy Account

The overall expenditure for the Council during the 2009/2010 financial year amounts to R23 679 548, which is below the projected expenditure of R24 040 801.

The graph below depicts the departmental expenditures:



Council recorded a net deficit of R2 325 075 for the 2009/2010 financial year. R500, 000 was transferred from the call account to fund the deficit during the financial year.

The levy fee income only funded 63% of the expenses. The remaining 37% of expenses was funded by other income and interest received on bank accounts. The interest receivable will decrease as the bank balances are reduced and due to the low interest rate.

c. Special Projects Account

The Special Projects Account was created by Council to provide funding for projects related to research, training and development, implementation of partnerships and international relations.

The closing balance of this account as at the end of the financial year was R 1 500 309.

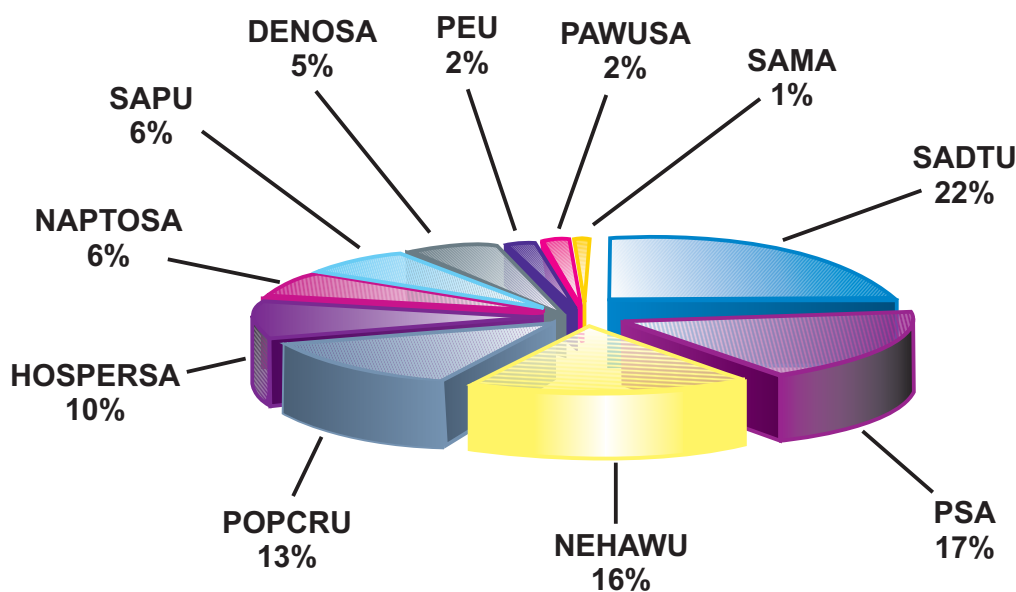
The Public Sector Summit, the capacity building projects and the World IIRA Congress that was held in Australia in 2009 was paid from the Special Projects Account during the financial year.

d. Agency Shop Fee Account – Disbursements to Admitted Trade Unions

The allocations for the period under review was R99 831 297

The graph below illustrates the total amount distributed to unions per month in terms of the Resolution 1 of 2005.

Agency Fees Paid



These statements are submitted to Council's auditors to monitor compliance with the requirements of the collective agreement and the provisions of the Labour Relations Act, with regard to the usage of the funds.

e. Investment Call Account

Council has invested surplus funds into a Call Account. A balance of R11.3 million is reflected in the account as at the end of the financial year.

A Decision has been taken by Council to utilise these monies to fund the deficit in the budget until a decision is taken regarding an increase in levies.

The account will decrease dramatically in the next year due to the funding of the deficits and the loss of interest as the balance reduces.

REPORT OF THE COUNCIL





Public Service Co-ordinating Bargaining Council (PSCBC)
(Registration number LR2/6/6/126)
Public Service Co-ordinating Bargaining Council
Annual Financial Statements
for the year ended 31 March 2010

Public Service Co-ordinating Bargaining Council (PSCBC)

Trading as Public Service Co-ordinating Bargaining Council

(Registration number LR2/6/6/126)

Annual Financial Statements for the year ended 31 March 2010

Index

The reports and statements set out below comprise the annual financial statements presented to the members:

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Independent Auditor's Report	117
Report of the Council	118-119
Statement of Financial Position as at 31 March 2010	120
Statement of Comprehensive Income for the year ended 31 March 2010	121
Statement of Changes in Equity	122
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The following supplementary information does not form part of the annual financial statements and is unaudited:	
Detailed Income statement	131





PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL

Council's Responsibility Statement

Council is required by Section 53 of the Labour Relations Act 1995, to maintain adequate accounting records and is responsible for the content and integrity of the annual financial statements and related financial information included in this report. It is Council's responsibility to ensure that the annual financial statements fairly present the state of affairs of the Council as at the end of the financial year and the results of its operations and cash flows for the period then ended, in conformity with South African Statements of Generally Accepted Accounting Practice. The external auditors are engaged to express an independent opinion on the annual financial statements.

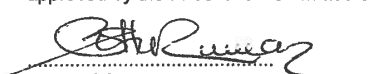
The annual financial statements are prepared in accordance with South African Statements of Generally Accepted Accounting Practice and are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgments and estimates.

The Council acknowledges that it is ultimately responsible for the system of internal financial control established by the organisation and places considerable importance on maintaining a strong control environment. To enable the Council to meet these responsibilities, Council members set standards for internal control aimed at reducing the risk of error or loss in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the Council and all employees are required to maintain the highest ethical standards in ensuring the Council's business is conducted in a manner that in all reasonable circumstances is above reproach. The focus of risk management in the Council is on identifying, assessing, managing and monitoring all known forms of risk across the Council. While operating risk cannot be fully eliminated, the Council endeavours to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

Council is of the opinion, based on the information and explanations given by management, that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or loss. Council has reviewed the PSCBC's cash flow forecast for the year to 31 March 2011 and, in the light of this review and the current financial position, it is satisfied that the Council has or has access to adequate resources to continue in operational existence for the foreseeable future.

The external auditors are responsible for independently reviewing and reporting on the Council's annual financial statements. The annual financial statements have been examined by the Council's external auditors and their report is presented on page 116.

The annual financial statements set out on page 117 to 128, which have been prepared on the going concern basis, were approved by the Executive Committee on 13 May 2010 and were signed on its behalf by:


General Secretary

Date 20/07/2010


Chairperson

Date 20/07/2010

Lyttelton Office Village
260 Basden Ave,
Lyttelton, Centurion,
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Website: <http://www.pscbc.org.za>

All correspondence must be addressed to the Secretary of Council

XaBiSo
Chartered Accountants



Adding value through excellence

Independent Auditor's Report

To the Members of the Public Service Co-ordinating Bargaining Council

We have audited the annual financial statements of the Public Service Co-ordinating Bargaining Council, which comprise the statement of financial position as at 31 March 2010, the statement of comprehensive income, the statement of changes in equity and statement of cash flows for the year then ended and other explanatory notes and the Councils' report, as set out on pages 4 to 15.

Council's Responsibility for the Financial Statements

Council is responsible for the preparation and fair presentation of these annual financial statements in accordance with South African Statements of Generally Accepted Accounting Practice, and in the manner required by the Labour Relations Act, 1995. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of annual financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditors' Responsibility

Our responsibility is to express an opinion on these annual financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the annual financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the annual financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the annual financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation and fair presentation of the annual financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the management, as well as evaluating the overall presentation of the annual financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the annual financial statements present fairly, in all material respects, the financial position of the Council as at 31 March 2010, its financial performance and its cash flows for the year then ended in accordance with South African Statements of Generally Accepted Accounting Practice, and in the manner required by the Labour Relations Act, 1995.

Supplementary Information

The supplementary information set out on page 16 to 17 does not form part of the annual financial statements and is prepared as additional information. We have not audited this information and accordingly we do not express an opinion on it.

Xabiso Inc

Xabiso Chartered Accountants Inc.
Chartered Accountants (SA)
Registered Auditors
Johannesburg
Date 20 July 2010

Public Service Co-ordinating Bargaining Council (PSCBC)

Trading as Public Service Co-ordinating Bargaining Council

(Registration number LR2/6/6/126)

Annual Financial Statements for the year ended 31 March 2010

Report of the Council

The Council has pleasure in presenting their annual report on the activities of the Council for the year ended 31 March 2010.

1. Review of activities

Main business and operations

The PSCBC is registered in terms of Section 35 and Section 36 of the Labour Relations Act, 1995. It is mainly formed to enhance labour peace and promote sound relations between employer and employees in the public service and operates principally in South Africa.

The objectives of the Council, within its registered scope, are to

- (a) Generally enhance labour peace in the public service;
- (b) Promote a sound relationship between the employer and its employees;
- (c) In terms of the Act and this constitution, negotiate and bargain collectively to reach agreement on matters of mutual interest to the employer and employees represented by admitted trade unions in the Council;
- (d) Provide mechanisms for the prevention and resolution of disputes between-
 - (i) The employer and trade unions admitted to the Council;
 - (ii) The employer and trade unions not admitted to the Council; and
 - (iii) The employer and employees, where the employer has the requisite authority to resolve such disputes;
- (e) Conclude, supervise and enforce collective agreements;
- (f) Comply with its powers and duties in terms of the Act and constitution;
- (g) Consider and deal with such other matters as may affect the interest of the parties to the Council; and
- (h) Promote effective communication and co-ordination between the Council and sectors.

2. Financial results

The council made a deficit of R2 325 075 for the financial year ended 31 March 2010 and surplus of R649 270 for the financial year ended 31 March 2009. The results of the council and the state of its affairs are set out in the attached financial statements and do not in our opinion require further comments.

3. Property, plant and equipment

The council acquired property, plant and equipment amounting to R271 267 for the financial year ended 31 March 2010 and R1 326 439 for the financial year ended 31 March 2009.



Public Service Co-ordinating Bargaining Council (PSCBC)

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Annual Financial Statements for the year ended 31 March 2010

Report of the Council

4. Council

The following persons acted on the leadership structure of the Council during the year under review.

Members	Date appointed	Date Resigned
Shamira Nanalal Huluman	01 January 1999	
Modise Lesley Letsatsi	20 July 2009	
Mpfariseni Erasmus Phophi	18 July 2007	
Tshivhidzo Meshack Ravuku	18 July 2007	01 March 2010

All Executive Committee members receive regular information about the Council in order to equip themselves to actively participate in the meetings. Members have access to management and Council General secretary for any further information they require. The Executive committee meets monthly and retains full and effective control over the Council's business and monitors executive management through its structured approach to reporting and accountability. The non executive members bring independence judgement to bear on issues of strategy, performance and resources.

Country of registration

South Africa

Registered addresses:

Public Service Co-ordinating Bargaining Council

Physical address:
PSCBC Offices, Building A
260 Basden Avenue
Lyttelton
Centurion, 0176

Postal address:
P O Box 3123
Lyttelton South
Centurion, 0176

Xabiso Chartered Accountants Inc

Physical address:
1st Floor Building 22B
The Woodlands Office Park
20 Woodlands Drive
Woodmead, 2052

Postal address:
P O Box 74
The Woodlands
2080

5. Events subsequent to year end

There have been no facts or circumstances that have come to the attention of the council between the accounting date and the date of this report that have had an impact on the amounts in financial statements.

6. Auditors

Xabiso Chartered Accountants will continue in office in accordance with section 270(2) of the Companies Act.



Public Service Co-ordinating Bargaining Council (PSCBC)

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(Registration number LR2/6/6/126)

Annual Financial Statements for the year ended 31 March 2010

Statement of Financial Position as at 31 March 2010

Figures in Rands	Note(s)	2010	2009
ASSETS			
Non-current assets			
Property, plant and equipment	2	1,300,813	1,833,488
Current assets			
Trade and other receivables	3	723,555	588,897
Cash and cash equivalents	4	38,030,615	41,770,493
		38,754,170	42,359,390
Total assets		40,054,983	44,192,878
EQUITY and LIABILITIES			
Equity			
Retained earnings		13,826,705	16,151,780
Non-current liabilities			
Special projects	5	1,500,309	3,122,395
Current liabilities			
Trade and other payables	6	23,823,825	24,204,176
Provisions	7	904,144	714,527
		24,727,969	24,918,703
Total liabilities		26,228,278	28,041,098
Total equity and liabilities		40,054,983	44,192,878

Public Service Co-ordinating Bargaining Council (PSCBC)

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Annual Financial Statements for the year ended 31 March 2010

Statement of Comprehensive Income for the year ended 31 March 2010

Figures in Rands	Note(s)	2010	2009
Revenue	8	14,232,679	13,746,573
Other income		6,462,329	4,011,710
Operating costs		(24,036,988)	(18,864,258)
Operating loss		(3,341,980)	(1,105,975)
Investment income	9	1,720,624	1,755,245
Finance costs		(703,719)	-
Total comprehensive income		(2,325,075)	649,270



Public Service Co-ordinating Bargaining Council (PSCBC)

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Annual Financial Statements for the year ended 31 March 2010

Statement of Changes in Equity

Figures in Rands	Retained earnings	Total equity
Balance at 01 April 2008	15,502,510	15,502,510
Surplus for the year	649,270	649,270
Balance at 01 April 2009	16,151,780	16,151,780
Deficit for the year	(2,325,075)	(2,325,075)
Balance at 31 March 2010	13,826,705	13,826,705



Public Service Co-ordinating Bargaining Council (PSCBC)

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Annual Financial Statements for the year ended 31 March 2010

Statement of Cash Flows

Figures in Rands	Note(s)	2010	2009
Cash flows from operating activities			
Cash (used in) generated from operations	11	(2,863,430)	1,032,309
Interest income		1,720,624	1,755,245
Finance costs		(703,719)	-
Net cash from operating activities		(1,846,525)	2,787,554
Cash flows from investing activities			
Additions to property, plant and equipment	2	(271,267)	(1,326,440)
Cash flows from financing activities			
Decrease in special projects funds		(1,622,086)	(1,134,486)
Total cash movement for the year		(3,739,878)	326,628
Cash at the beginning of the year		41,770,493	41,443,865
Total cash at end of the year	4	38,030,615	41,770,493



Public Service Co-ordinating Bargaining Council (PSCBC)

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Annual Financial Statements for the year ended 31 March 2010

Accounting Policies

1. Basis of preparation

The annual financial statements set out on page 4 to 15 are prepared in accordance with, and in compliance with South African Statements of Generally Accepted Accounting Practice (SA GAAP) and in the manner required by the Labour Relations Act, 1995. The annual financial statements have been prepared in accordance with the going concern principle under the historical cost basis, except for items carried at fair value. The principal accounting policies adopted and applied, which are set out below, are consistent in all material respects with those applied in the previous year.

The preparation of financial statements in conformity with SA GAAP requires the use of certain accounting estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of financial statements, and the reported amounts of revenue and expenses during the reported period based on management's knowledge of current events and actions. Actual results may ultimately differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

1.1 Property, plant and equipment

Property, plant and equipment is stated at cost less accumulated depreciation and any impairment losses.

Depreciation is calculated on the straight line method to write off the cost of each asset, or the revalued amounts, to their residual values over their estimated useful lives. Depreciation rates applicable to each category of property, plant and equipment are as follows:

Item	Estimated useful life
Furniture and fixtures	5 years
Motor vehicles	7 years
Computer equipment	3 years
Computer software	2 years

The carrying value of property, plant and equipment is reviewed for impairment when events or changes in circumstances indicate the carrying value may not be recovered. If any such indication exists and where the carrying values exceed the estimated recoverable amount, the assets or cash generating units are written down to their recoverable amount.

Residual value, remaining useful lives and depreciation methods are reviewed annually and adjusted if appropriate.

Gains or losses on disposal are included in the income statement.

1.2 Impairment of assets

The carrying amounts of the tangible assets, which mainly consist of property, plant and equipment, are reviewed at each balance sheet date to determine whether there is any indication that those assets have been impaired. If there is any indication that an asset may be impaired, its recoverable amount is estimated in order to determine the extent of the impairment loss. Where it is not possible to estimate the recoverable amount of an individual asset, the Council estimates the recoverable amount of the cash generating unit to which the asset belongs.

1.3 Revenue

Revenue is recognised to the extent that it is probable that the economic benefits will flow to the Council and the revenue is reliably measured. Revenue represents levies received from the State as employer and the public service sector. Levies are measured at the fair value of the consideration received or receivable.

Telephone income -sectors

PSCBC recovers the cost of the calls made by other sectors (i.e. GPSSBC, PHSDSBC and SSSBC) as it provides them with the telecommunications system on which they can make calls.

Public Service Co-ordinating Bargaining Council (PSCBC)

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Accounting Policies

1.3 Revenue (continued)

Interest income

Interest income is recognised on a time proportion basis using the effective interest rate method.

1.4 Financial instruments

The Council classifies financial instruments on initial recognition as a financial asset, a financial liability or an equity instrument in accordance with the substance of the contractual arrangement.

Financial instruments are recognised on the balance sheet at fair value when the Council becomes a party to the contractual provision of the instrument at trade date. Transaction costs are included in the initial carrying value of the financial instrument except in the case of financial instruments classified at fair value through profit and loss, in which case the transaction costs are expensed as they are incurred.

1.4.1 Trade and loans receivable

Trade and loans receivables are subsequently measured at amortised cost using the effective interest rate method and reduced by appropriate allowances for estimated irrecoverable amounts.

The Council makes an assessment at each reporting date whether there is any objective evidence that trade and other receivables are impaired. Where objective evidence exists as a result of an occurrence of one or more events subsequent to the initial recognition of the receivables, the amount of the impairment is determined by estimating the impact of these loss events on the future cash flows expected to be generated from the receivable.

1.4.2 Trade and loans payable

Trade payables are subsequently measured at their amortised cost using the effective rate method.

1.5 Operating leases

Payments made under operating leases are recognised in the income statement on a straight-line basis over the term of the lease. Benefits received as an incentive to sign a lease, whatever form they may take, are credited to the income statement on a straight-line basis over the lease term.

1.6 Provisions and contingent liabilities

Provisions are recognised in the balance sheet when there is a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation.

Where the effect of the time value of money is considered to be material, provisions are recognised at the present value of the expenditure expected to be required to settle the obligation.

Contingent liabilities are not recognised in the annual financial statements. Contingent liabilities are disclosed in the notes to the annual financial statements, unless the possibility of an outflow of resources embodying economic benefits is remote.

1.7 Cash and cash equivalents

Cash and cash equivalents comprise cash on hand, deposits held on call with banks net of bank overdrafts, all of which are available for use by the Council unless otherwise stated.

1.8 Related parties

Parties are considered to be related to the entity if the entity has the ability, directly or indirectly, to control the party, jointly control or exercise significant influence over the party in making financial and operating decisions, or vice versa, or where the entity and the party are subject to common control. Related parties also include key management personnel which are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.



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Notes to the Annual Financial Statements

Figures in Rands

2010

2009

2. Property, plant and equipment

	2010			2009		
	Cost	Accumulated depreciation	Carrying value	Cost	Accumulated depreciation	Carrying value
Office furniture and equipment	1,976,427	(1,457,970)	518,457	1,799,551	(1,171,355)	628,196
Motor vehicles	179,152	(155,264)	23,888	179,152	(143,322)	35,830
Computer equipment	1,715,901	(994,807)	721,094	1,647,245	(539,343)	1,107,902
Computer software	475,829	(438,455)	37,374	450,094	(388,534)	61,560
Total	4,347,309	(3,046,496)	1,300,813	4,076,042	(2,242,554)	1,833,488

Reconciliation of property, plant and equipment - 2010

	Opening Balance	Additions	Depreciation	Total
Office furniture and equipment	628,196	176,876	(286,615)	518,457
Motor vehicles	35,830	-	(11,942)	23,888
Computer equipment	1,107,902	68,656	(455,464)	721,094
Computer software	61,560	25,735	(49,921)	37,374
	1,833,488	271,267	(803,942)	1,300,813

Reconciliation of property, plant and equipment - 2009

	Opening Balance	Additions	Disposals	Depreciation	Total
Office furniture and equipment	824,790	62,066	(4,306)	(254,354)	628,196
Motor vehicles	71,661	-	-	(35,831)	35,830
Computer equipment	240,481	1,177,263	(65,777)	(244,065)	1,107,902
Computer software	103,739	87,110	(64,279)	(65,010)	61,560
	1,240,671	1,326,439	(134,362)	(599,260)	1,833,488

3. Trade and other receivables

Trade receivables	533,474	535,254
Deposits	43,643	53,643
Operating lease receivable	146,438	-
	723,555	588,897

4. Cash and cash equivalents

Petty cash	710	1,000
Bank balances	26,664,686	28,544,770
Short-term deposits	11,365,219	13,224,723
	38,030,615	41,770,493

5. Special projects

Opening balance	(3,122,395)	(4,256,881)
Movement for the year	1,622,086	1,134,486
Closing balance	(1,500,309)	(3,122,395)

Public Service Co-ordinating Bargaining Council (PSCBC)

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Notes to the Annual Financial Statements

Figures in Rands

6. Trade and other payables

Trade union funds	6.1	23,400,091	23,522,640
Trade payables	6.2	423,734	681,536
		23,823,825	24,204,176

6.1 Trade unions

Opening balance	(23,522,642)	(22,292,820)
Agency fee income	(98,788,388)	(94,560,317)
Deferred income	(920,358)	(1,449,621)
Inter-banking accounts	-	(11,777)
SADTU	22,758,688	21,743,475
PSA	17,991,010	17,570,079
NEHAWU	15,510,631	14,641,616
POPCRU	13,015,895	11,618,919
HOSPERSA	9,707,721	9,370,536
NAPTOSA	6,128,245	5,894,346
SAPU	5,917,620	5,667,932
DENOSA	5,030,507	4,697,883
PEU	1,626,286	1,635,611
PAWUSA	1,579,335	1,429,107
SAMA	565,359	522,391
Closing balance	(23,400,091)	(23,522,640)

6.2 Trade and other payables

Accrued expenses	57,977	238,135
Provident fund control	6,604	49,198
Supplier control account	268,444	140,776
Staff bursary	6,009	4,559
Inter-banking accounts	-	210,564
Medical aid control account	13,835	-
Workmen's compensation fund control account	70,865	34,104
Social fund control	-	4,200
	423,734	681,536

7. Provisions

Reconciliation of provisions - 2010

	Opening balance	Additions	Utilised during the year	Total
Provision for leave	278,080	124,978	(74,155)	328,903
Provision for bonus	286,447	181,183	(328,686)	138,944
Provision for panelist fees	150,000	-	(61,650)	88,350
Provision for SARS liability (PAYE, UIF and SDL)	-	347,947	-	347,947
	714,527	654,108	(464,491)	904,144

8. Revenue

Levies income	14,232,679	13,746,573
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9. Investment income

Interest income		
Interest income - Levy account	1,720,624	1,755,245

Public Service Co-ordinating Bargaining Council (PSCBC)

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Notes to the Annual Financial Statements

Figures in Rands	2010	2009
10. Operating(deficit)/surplus for the year		
(Deficit)/surplus for the year is stated after taking into account the following:		
Audit remuneration: - audit fees	133,252	120,000
- other services	18,740	62,665
- prior year under provision	-	52,438
Depreciation	803,942	599,260
Lease rentals	2,707,204	2,641,284
Sponsorship and donations	2,300,000	-
Staff costs	6,562,219	5,619,436

Sponsorship and donations of R2.3 million was incurred as a result of Council's decision to cover the deficit on the Public Sector Summit and the money was transferred out of PSCBC levy account into PSCBC project account.

11. Cash (used in) generated from operations

(Deficit) surplus for the year	(2,325,075)	649,270
Adjustments for:		
Depreciation and amortisation	803,942	599,260
Loss on sale of assets	-	134,362
Interest received	(1,720,624)	(1,755,245)
Finance costs	703,719	-
Movements in provisions	189,617	533,918
Changes in working capital:		
Trade and other receivables	(134,658)	(271,776)
Trade and other payables	(380,351)	1,142,520
	(2,863,430)	1,032,309

12. Commitments

Operating leases – as lessee (expense)

Minimum lease payments due

- within one year	2,870,354	2,661,215
- within second to fifth year inclusive	3,305,854	6,176,209
	6,176,208	8,837,424

Operating lease payments represent rentals payable by the Council for its office properties and photo copiers.

13. Contingent liability

The contingent liability arises as a result of PSCBC's income tax status with the South African Revenue Services (SARS). PSCBC applied to SARS for the Income Tax exemption certificate on 28 June 2010. The Council's management is of the opinion that PSCBC is exempt from the payment of income tax as PSCBC was registered in terms of Section 29(15)(a) of the Labour Relations Act 1995 as a bargaining council and established in terms of Section 35 of the same Act. Management consider the likelihood of PSCBC paying income tax as unlikely, and the matter should be resolved within the next six months.

Should SARS rule that PSCBC is a tax paying entity then, PSCBC would be liable for an estimated income tax liability of R4 million excluding interest and penalties since incorporation (13 October 1997). PSCBC does have adequate reserves to cover litigation costs and claims.

Public Service Co-ordinating Bargaining Council (PSCBC)

Trading as Public Service Co-ordinating Bargaining Council
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Annual Financial Statements for the year ended 31 March 2010

Notes to the Annual Financial Statements

Figures in Rands	2010	2009
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14. Related parties

Relationships

State as employer is represented by Department of Public Service and Administration and admitted trade unions are considered to be related parties to PSCBC in terms of clause 6 and 19.1 to 19.4 of PSCBC's constitution. These entities exercise significant influence over PSCBC in making financial and operating decisions.

The following are the admitted trade unions: SADTU, PSA, NEHAWU, POPCRU, HOSPERSA, NAPTOSA, SAPU, DENOSA, PEU, PAWUSA and SAMA.

No transactions were carried out between PSCBC and Department of Public Service and Administration. The following transactions were carried out with these trade unions:

Related party balances

Amounts included in Trade Payable regarding admitted trade unions

Opening balance	(23,522,642)	(22,292,820)
Agency Fee Income	(98,788,388)	(94,560,317)
Deferred income	(920,358)	(1,449,621)
Inter-banking accounts	-	(11,777)
SADTU	22,758,688	21,743,475
PSA	17,991,010	17,570,079
NEHAWU	15,510,631	14,641,616
POPCRU	13,015,896	11,618,918
HOSPERSA	9,707,721	9,370,535
NAPTOSA	6,128,245	5,894,346
SAPU	5,917,620	5,667,932
DENOSA	5,030,507	4,697,883
PEU	1,626,289	1,635,611
PAWUSA	1,579,336	1,429,107
SAMA	565,359	522,391
Closing balance	(23,400,086)	(23,522,642)

15. Risk management

The Council's activities expose it to a variety of financial risks: market risk (including currency risk, fair value interest rate risk, cash flow interest rate risk and price risk), credit risk and liquidity risk.

Liquidity risk

The Council's risk to liquidity is a result of the funds available to cover future commitments. The Council manages liquidity risk through an ongoing review of future commitments and credit facilities.

Credit risk

Credit risk consists mainly of cash deposits, cash equivalents, derivative financial instruments and trade debtors. The Council only deposits cash with major banks with high quality credit standing and limits exposure to any one counter-party.



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Detailed Income statement

Figures in Rands	Note(s)	2010	2009
Revenue			
Levies income		14,232,679	13,746,573
Other income			
Admin fees - Agency		7,200	7,200
CCMA Subsidy		39,600	-
Donations, recoveries and service seta income		126,653	86,434
Interest received	9	1,720,624	1,755,245
Telephone income sectors		492,218	394,453
Agency income			
- Interest received		1,012,973	2,083,906
Special project income			
- Other income: Sponsorship and donations		2,723,899	-
- Interest received		132,035	402,388
- Deferred income		1,927,751	1,037,329
		8,182,953	5,766,955
Operating costs (Refer to page 17)		(24,036,988)	(18,864,258)
Operating (deficit) surplus		(1,621,356)	649,270
Finance costs		(703,719)	-
(Deficit) surplus for the year		(2,325,075)	649,270

The supplementary information presented does not form part of the annual financial statements and is unaudited

Public Service Co-ordinating Bargaining Council (PSCBC)

Trading as Public Service Co-ordinating Bargaining Council

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Annual Financial Statements for the year ended 31 March 2010

Detailed Income statement

Figures in Rands	Note(s)	2010	2009
Operating costs			
Advertising		(18,357)	(37,445)
Arbitration and conciliation costs		(904,134)	(1,125,988)
Auditors remuneration		(151,992)	(235,103)
Bank charges		(37,989)	(34,010)
Cleaning		-	(69,436)
Consulting and professional fees		(158,545)	(207,341)
Depreciation, amortisation and impairments		(803,942)	(599,260)
Electricity		(193,804)	(140,001)
Employee costs		(6,562,219)	(5,619,436)
Entertainment		(7,098)	-
IT expenses		(556,544)	(740,379)
Insurance		(124,227)	(106,051)
Lease rentals on operating lease		(2,707,204)	(2,641,284)
Legal expenses		(5,700)	-
Loss on disposal of assets		-	(134,362)
Media and resource centre		(261,480)	(520,502)
Meetings, conferences, workshops and seminars		(935,473)	(764,879)
Motor vehicle expenses		(22,500)	(23,559)
Office refreshments		(112,754)	(29,420)
Other consulting and professional fees		(121,290)	(90,035)
Postage		(30,370)	(21,500)
Printing and stationery		(358,355)	(326,671)
Provincial chambers		(407,847)	(351,423)
Repairs and maintenance		(160,074)	(574,414)
Security		(31,291)	(27,007)
Sponsorships and donations		(2,300,000)	-
Staff welfare		(3,622)	(7,191)
Suppliers database expense		(27,604)	-
TV licence and DSTV fees		(4,527)	(5,655)
Telephone and fax		(937,840)	(450,280)
Training		(242,264)	(422,636)
Travel - secretariat		(51,281)	(35,368)
Agency expenses			
- Admin fee paid to levy account		(7,200)	(7,200)
- Bank charges		(5,087)	(10,353)
- Interest paid		(80,329)	(616,427)
- Legal fees		-	(305)
- Deferred income		(920,358)	(1,449,621)
Special project expenses			
- Bank charges		(651)	(1,334)
- Research: Study tour (Nordic, Mexico and USA)		-	24,467
- Research: Resolution 1 of 2007		-	(322,838)
- Regional and world congress (IIRA and Australia)		(1,453,747)	(161,513)
- Capacity building programmes		-	(428,223)
- Partnership strategy (Botswana delegation)		(2,542)	(2,440)
- Public sector summit		(3,326,747)	(547,835)
		(24,036,988)	(18,864,258)

The supplementary information presented does not form part of the annual financial statements and is unaudited

SECRETARIAT PROFILE





SHAMIRA HULUMAN
General Secretary



YASMINE KHEREKAR
PA to General Secretary/ Client Liaison



THANDI MINISI
Manager: Dispute Resolution & Support Services



NATASHA ABRAHAM
Manager: Finance & Logistics



VALENCIA KOLA
Manager: Negotiations Support & Human Resource Services



OOMANG PARAG
Section Head: Information Technology



MADELEINE THERON
Section Head: Media & Information



HENRI KALONJI
Information Technology Engineer



MASHUDU NKOSI
Senior Officer: Case Management



SONNYBOY MANYANE
Senior Officer: Administration & Logistics



OBAKENG SEGOA
Senior Officer: Finance



ANDRIY BALOYI
Senior Officer: Human Resources



JOSEPH MALAHLELA
Senior Officer: Negotiations Support Services



TRACEY MOKOENA
Case Management Officer



PEARL BUTHELEZI
Officer: Media & Information



RUTH MOLAUDZI
Officer: Administration & Logistics



BIANCA SINGH
Finance Officer



DAVID RAMBAU
Officer: Negotiations Support Services



MONTSHENG MALLANE
Officer: Negotiations Support Services



DINEO CHOSHI
Receptionist



PHILLIP KGOADI
Driver, Logistics Administrator



REKHA SOOKNUNAN
Finance Administrator



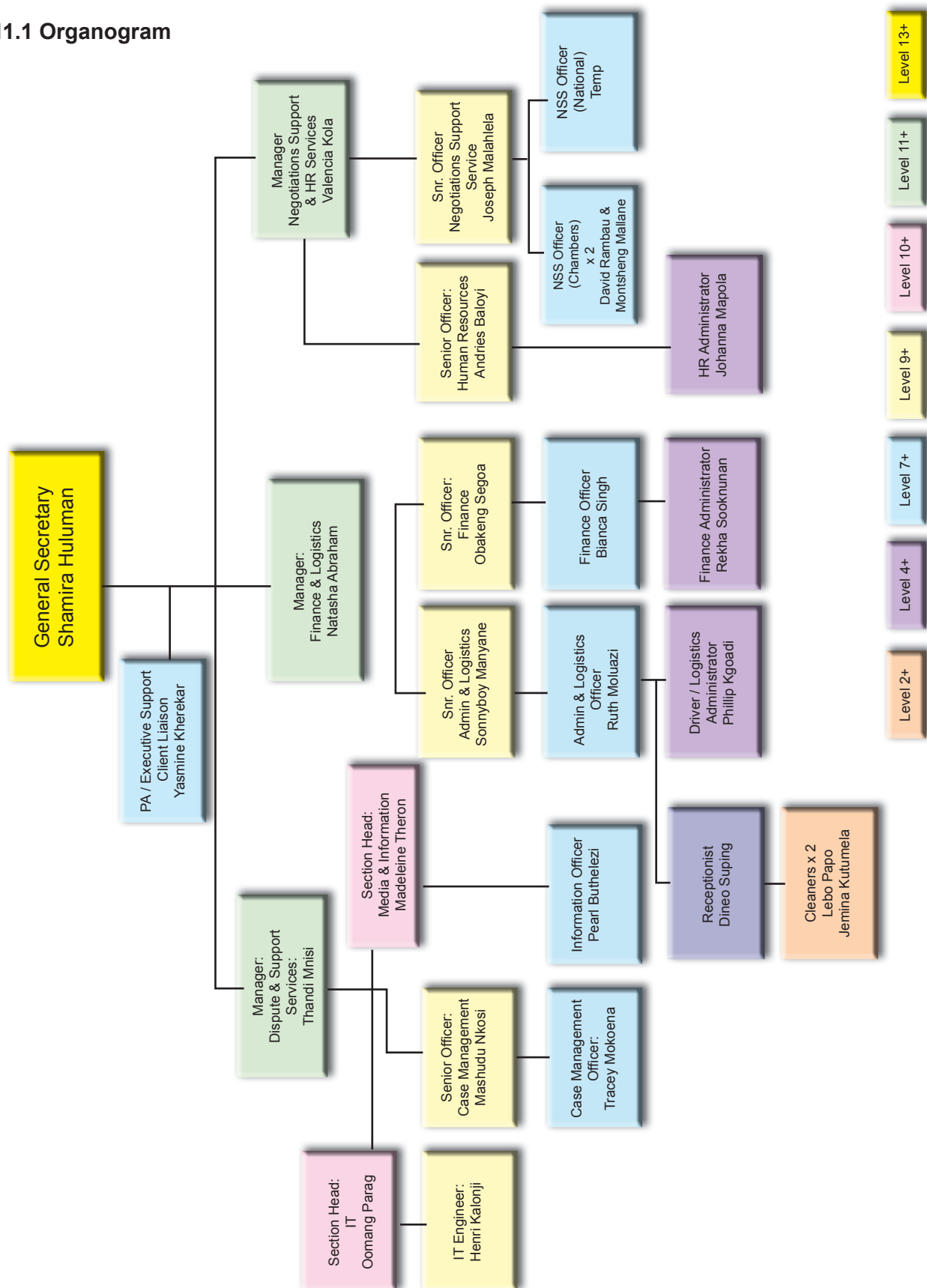
LEBOGANG PAPO
Cleaner



JEMINA KUTUMELA
Cleaner

11. SECRETARIAT PROFILE 2009/10

11.1 Organogram



11.2 Representivity Profiles

Race

Race	%
African	65%
Coloured	10%
Indian	20%
White	5%

Gender

Gender	%
Male	41%
Female	59%

11.3 Staff movement

11.3.1 Resignations

Four employees resigned during this financial year for better career prospects.

11.4 Appointments

The following posts were filled during the period under review:

Position	Name of employee	Date of appointment
Manager: Dispute Resolution and Support Services	Thandi Mnisi	1 June 2009
Manager: Finance and Logistics	Natasha Abraham	1 June 2009
Senior Officer: Negotiations Support Services	Joseph Malahlela	1 March 2010
Senior Officer: Case Management	Mashudu Nkosi	1 September 2009
Senior Officer: Human Resource	Andries Baloyi	1 November 2009
Admin and Logistics Officer	Ruth Molaudzi	1 August 2009
Human Resource Administrator	Johanna Mapola	1 August 2009
IT Engineer	Henri Kalonji	1 August 2009
Senior: Finance Officer	Obakeng Segoa	7 September 2009
Finance Administrator	Rekha Sooknunan	1 September 2009
Receptionist	Dineo Suping	1 September 2009
Cleaner	Lebogang Papo	1 September 2009

Employees with disabilities

The PSCBC has succeeded in attracting people with disabilities in some categories of employment during this financial year.

11.5 Vacancies

The following vacancies exist in PSCBC and will be filled in the next financial year:

- Negotiations Support Services Officer;

11.6 Bursaries and Study loans awarded

During the 2009/2010 financial year, the following bursaries and study loans were awarded to staff members:

Bursaries awarded	Employee
MSCE	Henri Kalonji
Knowledge Management	Pearl Buthelezi
Public Relations	Pearl Buthelezi
Business Communication	Yasmine Kherekar
Certificate in Customer Care	Jemina Kutumela
Skills Program in Business Literacy and Business Law Accounting Control	Bianca Singh

SECTORAL BARGAINING COUNCILS



12. REPORTS OF SECTORAL BARGAINING COUNCILS

12.1 Education Labour Relations Council (ELRC)

12.1.1 INTRODUCTION

This report highlights key activities of the ELRC for the financial year 1 April 2009 to 31 March 2010, which for the first time includes the performance of the Higher Education and Training Colleges Sector.

12.1.2 THE COUNCIL

The Education Labour Relations Council (ELRC) derives its authority from the Labour Relations Act (LRA) as amended and its constitution, and is a registered public entity that complies with the Public Finance Management Act (PFMA) of 1999 and the Treasury Regulations.

The overriding aim of the ELRC is to provide labour relations services to its key stakeholders in their pursuit of providing quality public education.

The core business of the Council is:

1. To provide an independent and impartial forum for the resolution of disputes in the sector; and
2. To provide a forum for negotiations and consultations on matters of mutual interest in the sector at both national and provincial levels.

12.1.3 DISPUTE RESOLUTION AND SUPPORT SERVICES

There has been an increase in the number of disputes referred to the Council, except in the category of unfair labour practices relating to promotions and appointments. However, there has been an increase in unfair dismissal disputes. The ELRC has noted with concern that these dismissal disputes relate mainly to alleged sexual misconduct. The Council will be establishing a special team of mediators and arbitrators to research and focus on this kind of disputes.

The top three referring provinces remain the same as in the previous reporting period, with KwaZulu-Natal at the top, followed by Gauteng, Western Cape, which was the second highest referring province in the previous year, moved to the third highest referring province for the 2009/10 financial period.

A detailed report and breakdown of disputes is provided under Programme 1.

CASELOAD BREAKDOWN PER PROVINCE:

KwaZulu-Natal	22.6%
Gauteng	19.1%
Western Cape	17.5%
Eastern Cape	10.7%
North West	10.2%
Limpopo	8.1%
Free State	6.6%
Mpumalanga	2.1%
Northern Cape	2.8%
National (DBE)	0.3%

12.1.4 COLLECTIVE BARGAINING SERVICES

i. BASIC EDUCATION

Significant progress has been recorded during the period under review, with the conclusion of collective agreements. A noteworthy achievement was the successful outcome of the Teacher Development Roundtable of April 2009 and the subsequent Teacher Development Summit in July 2009. The ELRC's involvement in the TD process surpassed the planning of the event itself, as the Council continued to support the post-Summit process by offering support to the four working groups responsible for the preparation of the new integrated plan for teacher development.

Five national collective agreements and three provincial collective agreements were concluded during the period under review.

ii. HIGHER EDUCATION AND TRAINING COLLEGES SECTOR

The Council made remarkable strides in the Higher Education and Training Colleges Sector during the period under review. The scope of the ELRC was extended on 14 August 2009 to include employers and employees falling under the Further Education and Training Colleges Act (FETC Act).

iii. TRAINING AND DEVELOPMENT

The ELRC engaged in several training and development initiatives during the period under review. Training workshops were conducted for dispute resolution practitioners from the combined teacher unions and the DBE as well as panelists on current case law and dispute resolution procedures. The Council also conducted professional development workshops for its parties and panelists.

iv. SUPPORT SERVICES

The ELRC engaged in a number of important education initiatives during the period under review, namely the Quality Learning and Teaching Campaign, the Teacher Development Summit and the Teacher Laptop Initiative. The ELRC-PCTA project achieved its core objectives for the period under review.

The General Secretary of the ELRC also facilitated the resuscitation of the KwaZulu-Natal chamber by conducting a series of meetings with party leaders. A Special Task Team was established to provide solutions to the key issues affecting education in KwaZulu-Natal. The task team successfully started the process to address the key focus areas to be concluded at the end of June 2010.

These areas are:

1. Conversion of 1650 Temporary Educators;
2. Finalisation of Displaced Educators;
3. Filling of promotion posts:
 - School based: Decision taken to release advertisement bulletins;
 - Office based: Reconvening of panel to conduct shortlisting and interviews; and
4. Movement and placement of surplus educators.

12.1.5 FINANCIAL AND MANAGEMENT ACCOUNTABILITY

The ELRC, in complying with the PFMA, Treasury Regulations and other Treasury prescripts, is audited by the Auditor-General. The ELRC's financial and management reporting is in accordance with generally recognised accounting practice (GRAP).

The Auditor-General performs a total audit, including a review of the performance information of the Council. The Audit Committee, an independent and non-executive committee appointed by the Council, draws its authority from the Audit Committee Charter and ensures financial and management compliance and accountability.

The Transformation Funds, which were set aside for projects in terms of Resolution No. 2 of 1999, have been exhausted. The Executive Committee approved the winding up of this Fund and the remaining funds transferred to Council for use as directed.

The sole source of income of the Council is the levy collected from the employer and employees (equal on both sides).

The Accounting Officer and the Chief Financial Officer of the ELRC presented the Council's 2008/09 Annual Report to the Education Portfolio Committee of the National Assembly in Parliament on 21 October 2009, and its Three-Year Strategic Plan on 9 March 2010. Once again, Parliament was satisfied with the excellent planning and reporting of the ELRC and its contributions to public education in South Africa in particular and Africa in general.

12.2 General Public Service Sectoral Bargaining Council (GPSSBC)

12.2.1 Overview

The General Public Service Sector Bargaining Council (GPSSBC) was designated in terms of the PSCBC Resolution 10 of 1999 as a bargaining council of the general public sector. The GPSSBC was registered with the Registrar of Labour Relations on July 28th, 1999, and subsequently inaugurated on September 7th, 1999. The Council commenced its dispute resolution functions on June 1st, 2000.

In terms of Sections 52 and 127 of the Labour Relations Act No. 66 of 1995, as amended, the GPSSBC is vested with statutory powers to resolve labour disputes. The Council is accredited by the Governing Body of the Commission for Conciliation, Mediation and Arbitration (CCMA) to perform the dispute resolution functions listed in Section 51 of the Labour Relations Act.

Clause 3 of the Constitution of the GPSSBC describes the scope of the Council as follows: "The State, as employer, and its employees who fall within the scope of the PSCBC, and do not fall within the registered scope of the:

- (a) Education Labour Relations Council;
- (b) Public Health and Welfare Sector Bargaining Council; and
- (c) Safety and Security Sectoral Bargaining Council.

The Constitution stipulates the legal mandate of the GPSSBC in the form of the following objectives:

- (a) Promote labour peace within its Scope of operation;
- (b) Promote and maintain sound relationships between the employer and its employees;
- (c) Negotiate and bargain collectively to reach agreement on matters of mutual interest to the employer and employees represented by admitted trade unions in the Council;
- (d) Provide mechanisms for the prevention, effective and expeditious resolution of disputes
- (e) Conclude, supervise and enforce collective agreements;
- (f) Comply with its powers and duties in terms of the Act and Constitution;
- (g) Consider and deal with such other matters as may affect the interests of the parties to the Council;
- (h) Promote the effective delivery of services to the community; and
- (i) Promote effective communication between the employer, its employees and trade unions in the general public service sector.

The GPSSBC is governed by duly elected members to Council, acting as parties to the Council, representing the employer and all trade unions admitted to the Council. Subject to the direction and control of the Council, the Executive Committee may exercise and perform the powers, functions and duties of the Council relating to the supervision and control of the day-to-day management and administration of the Council in terms of Clause 14.4 of the Constitution.

The composition of the Executive Committee is as follows in terms of Clause 14.1 of the Constitution:

- Chairperson and two Vice-Chairpersons;
- Three (3) representatives appointed/elected by the employer; and
- Three (3) representatives appointed/elected by the admitted trade unions

The area and scope of operation of the GPSSBC is national, with provincial and national chambers. The Secretary acts as a full-time Accounting Officer of the GPSSBC with full oversight and authority over internal operations and staff. The core function of collective bargaining is a national competency influenced by the provincial and national chambers. The function of dispute resolution is centralised and in-sourced within the organisation with a wholly outsourced panel of Conciliators and Arbitrators. *Furthermore, in terms of Clause 5 of the Constitution, the GPSSBC has powers to engage in the following activities, amongst others, in the execution of its core operations:*

- Conclude and enforce collective agreements;
- Prevent and resolve labour disputes;
- Perform dispute resolution functions referred to in Section 51 of the Act;
- Establish and administer a fund to be used for dispute resolution; and
- Create an environment conducive to the provision of operational services by the PSCBC.

The practical result of the diverse Scope of the GPSSBC is that the Scope spans

- 9 Provincial Governments,
- 93 Provincial Departments,
- 30 National Departments, and
- 305000 Employees
- Comprising 86% of Public Service Departments and 27% of employees employed in the Public Service.

The Parties to Council include the State as the Employer, NEHAWU (National Education, Health and Allied Workers Union), POPCRU (Police and Prisons Civil Rights Union and PSA (Public Servants Association).

Vision

“Delivering exceptional service to all we serve “

Mission

“To promote sound labour relations and ensure industrial stability through effective and efficient collective bargaining, dispute prevention, dispute resolution; and good governance”

GPSSBC Values

- **Integrity:**
- Honesty
- Sound service delivery
- **Efficiency:**

- Productivity
- The best work methods and practices, procedures and systems to achieve set goals
- Excellent services
- **Accountability:**
 - Desire to perform well
 - Accepting accountability for your behavior
 - Commitment
- **Equity:**
 - No unfair discrimination
 - Gender equality
 - Integration of disability issues
 - Affirmative action

12.2.2 Operational Overview 2008/09

12.2.2.1 Collective Bargaining

The Constitution of the GPSSBC provides the basis for collective bargaining within the sector. It is an objective of the Council in terms of the Labour Relations Act and its Constitution to negotiate and bargain collectively to reach agreement on matters of mutual interest. The Negotiations Support Unit within the GPSSBC aims to provide an environment conducive to promote this objective.

Collective Bargaining being the core business of the GPSSBC takes place at a centralized level at the GPSSBC Council and at a decentralized level at the Chambers of the GPSSBC.

The Council engaged extensively on the Occupational Specific Dispensation (OSD) Negotiations during most of this financial period.

The Following Collective Agreements were concluded in the GPSSBC:

Resolution	
Res 1 /2009	Dept of Environmental Affairs and Tourism - Introduction of a Sea Going Allowance.
Res 2 /2009	Occupational Specific Dispensation - Correctional Officials
Res 3 /2009	Occupational Specific Dispensation – Quantity Surv; Prof Surv; Architects; Reg Planners; GISC Profs; Scientists
Res 4 /2009	Occupational Specific Dispensation - Artisans
Res 5 /2009	Occupational Specific Dispensation - Eng Techn; Surv Techn; Arch Techn; Draughts Pers; GIS Techn; Sci Techn
Res 6 /2009	Occupational Specific Dispensation – Eng Techn; Archit Techn; GIS Techn; QS Techn
Res 7 /2009	Establishment of Task Team on identification of other Occupational Classes to be Considered for OSD.
Res 8 /2009	Occupational Specific Dispensation – Environmentalists and Biodiversity Officers
Res 9 /2009	Occupational Specific Dispensation - Engineers
Res 10 /2009	Appointment of a Panel of Conciliators and Arbitrators

12.2.2.2 Case Management

The GPSSBC derives its statutory power to resolve disputes from section 52 and section 127 of the Labour Relations Act 66/1995 (as amended). In terms of the aforementioned sections, the Governing Body of the Commission for Conciliation, Mediation and Arbitration (CCMA) accredits the Council to perform the dispute resolution functions listed in section 51 of the Labour Relations Act. These functions is further limited and / or restricted to parties within the scope of the Council.

The following disputes are not dealt with by the Council but, must, in terms of the provisions of the Labour Relations Act, be dealt with by the CCMA:

- disclosure of information - sections 16 and 89 of the Act
- organisational rights - chapter III part A of the Act
- agency shop disputes - section 25 of the Act
- closed shop disputes - section 26 of the Act
- interpretation or application of collective bargaining provisions - section 63(1) of the Act
- picketing disputes - section 69 of the Act
- workplace forum disputes - sections 86 and 94 of the Act

Council furthermore derives powers and jurisdiction from the Constitution and GPSSBC Resolution 4/2004 that governs the rules for conduct of proceedings. Council started its dispute resolution function on the 1st June 2000.

The Case Management Unit is the principal driver of the legal mandate of the organization. During the reporting period, the Unit faced many challenges in order to merge the strategic objectives of the Council with the values of integrity, efficiency, accountability and equity, whilst maintaining the overall mission statement of the Council.

12.2.3 Overview of matters referred

i. New referrals

During the reporting period the GPSSBC received 1895 new referrals as compared with 1640 in the previous financial year.

ii. Conciliations

A total of 1040 conciliation hearings were conducted during the reporting period. Out of this figure, 565 conciliations were conducted within the statutory 30-day period. A total of 475 conciliations were conducted outside the statutory 30-day period. Only 6 *in limine* hearings were conducted during the reporting period.

iii. Conciliation outcomes

A total of 859 conciliations were not settled, 31 were postponed and 15 were extended. Conciliations that were withdrawn were only 12 and 34 were settled.

iv. Arbitration

During the reporting period a total of 917 arbitration referral forms were received and processed by the Council, as compared to 569 during the previous financial year. A total of 2214 arbitration hearings were conducted during the reporting period as compared to 1656 during the previous financial year.

v. Arbitration outcomes

The Council rendered 442 arbitration awards during the reporting period. A total of 38 arbitration processes were withdrawn by the applicants and 14 were settled by parties with or without assistance of the assigned panellists. Only 7 arbitration processes were dismissed and 11 were extended. A total of 693 arbitration processes were postponed for various reasons.

12.2.4 Conclusion

For the General Public Service Sector Bargaining Council (GPSSBC) 2009 was a milestone year, the Council celebrated 10 years of relevant existence. A book detailing the highlights of the decade past was published in honor of event and a celebration to mark the occasion was held.

Over the period the Council engaged on substantial issues pertaining to the Occupation Specific Dispensation (OSD) designated to the Sector. Nine collective agreements were concluded during this process.

The Case Management Unit successfully extended the automation of the organization to the case management function supporting the vision of the Council in delivering an excellent service.

The Corporate Services Unit successfully implemented the filling of the newly adopted organizational structure thereby ensuring that the Council operates fully capacitated.

On the whole the Council has produced good work and continues to strive to deliver an excellent service to all we serve.

12.3 Public Health and Social Development Sectoral Bargaining Council

12.3.1 Overview

The PHSDSBC formerly known as the Public Health and Welfare Sectoral Bargaining Council was designated by the PSCBC's Resolution 8 of 1999 as a bargaining council of the public health and welfare sector. This led to the PHSDSBC being registered by the Registrar of Labour Relations on 28 July 1999. It then commenced its dispute resolution functions on 25 May 2000.

The PHSDSBC's authority to resolve disputes derives from s52 read with s127 of the LRA, 1995 as amended.

12.3.2 Scope

The Scope of PHSDSBC covers:

The state as employer and employees employed in:

- the Department of Health in the national National sphere of the government;
- the nine (9) departments of health in the provincial spheres of the government;
- the Department of Social Development in the national sphere of the government;
- the nine (9) departments of social development in the provincial sphere of the government;
- all other employees who are employed in the health and social development facilities under the Public Service Act, as amended and the Correctional Services Act and their employers, and
- other health and social development workers as defined in schedule 1 of the PHSDSBC's constitution and employed under the Public Service Act, as amended and their employers.

13.3.3 Collective Bargaining and consultative processes

The primary objective of the Collective Bargaining, in tandem with Council's, is to provide an environment which enables constructive negotiations on matters of mutual interest.

The meetings held by Council within the period of the 2009/2010 were:

- Six (6) Council meetings
- Thirteen (13) Special Council meetings
- Six (6) ExCo meetings
- Six (6) Special ExCo meetings

The collective bargaining engagement thus culminated to the signing of the resolutions, which are primarily Occupation Specific Dispensation (OSD) in nature.

Name of Resolution	Purpose
Resolution 1 of 2009	This resolution's objective is to primarily attract and maintain the social service scarce skill in the Sector. It includes the career progression system for social services professionals. The resolution was signed on 4 June 2009. It is called Social Services and Related Professions
Resolution 2 of 2009	Social Services and Related Professions: This is an amendment to Resolution 1 of 2009 signed on 26 June 2009.
Resolution 3 of 2009	Medical Officers, Medical Specialists, Dentists, Dental Specialists, Pharmacologists, Pharmacists and Emergency Care Practitioners: The objective of this agreement was to give effect to paragraph 4 of PSCBC Resolution 1 of 2007, introducing an occupational specific remuneration and career progression dispensation (OSD) for medical officers, medical specialists, dentists, dental specialists, and identified categories of clinical managers (medical and dental). It was signed on 07 August 2009.

The PHSDSBC is continuing exploiting the bargaining processes on the following pertinent issues:

- **Occupational Specific Dispensation (OSD)**

The PHSDSBC continues to negotiate towards the implementation of the occupational specific salary structures for identified categories of health professionals. The category referred is the **Medical Therapeutic Support Services**. At the time of reporting, a signed offer was tabled at Council in October 2009, however it does not enjoy the signature of the Labour parties to Council. Parties are currently engaged in the negotiations.

- **Amendment to Full Time Shop steward Agreement: Resolution 1/2003**

A Task Team was established in terms of clause 9 of this resolution to consider certain aspects therein for a review. At the time of reporting the Task Team was preparing recommendations to Council.

- **Constitutional Amendments**

This Task Team has since convened in August 2009 up to 4 and 5 March 2010 to amend the PHSDSBC Constitution. A number of clauses are under review and a special attention is focused at finalising the

amendments in September, this year.

- **Danger Allowance**

HOSPERSA introduced the matter to Council. The PHSDSBC subsequently agreed that the matter should be elevated to the PSCBC for lack of competency. At the time of reporting the matter had been referred back to the PHSDSBC for further deliberations.

Dispute Management

The PHSDSBC has received eight hundred and fifty (850) disputes in the period under review.

The following table depicts the nature of the disputes the PHSDSBC handled:

DISPUTES MANAGED DURING THE PERIOD 2009/10	
Nature of dispute	Number of Referrals
Unfair Labour Practice	445
Unfair Dismissal	269
Unilateral Change to Terms and Conditions	40
Interpretation or Application of Collective Agreements	96
Total	850

12.4 Safety and Security Sectoral Bargaining Council (SSSBC)

The Safety and Security Sectoral Bargaining Council (SSSBC) was established in terms of Resolution 12 of 1998 of the PSCBC. The SSSBC is a result of the amalgamation of the National Negotiating Forum (NNF) and the Department of Safety and Security Departmental Bargaining Council.

12.4.1 Scope

The state as employer and its employees employed in the South African Police Service in terms of:

- The South African Police Service Act; and
- The Public Service Act.

Admission Threshold: Thirty Thousand (30 000)

12.4.2 Parties to Council

- South African Police Services (SAPS);
- South African Police Union (SAPU); and
- Police & Prisons Civil Rights Union (POPCRU).

12.4.3 Accomplishments 2009/10

• Provincial Chambers

The SSSBC continued to provide guidance and support to the Provincial Chambers in order to enhance their functioning. Many achievements were recorded and the Provincial Chambers have undertaken to strengthen their commitment in the coming year to improve the quality of engagement. They have also pledged to address matters of mutual interest within the province with maturity and integrity, with a view towards improving labour peace across the sector.

• Collective Bargaining

During 2009/10, the parties continued to engage in collective bargaining over several issues of mutual interest. In addition, collective agreements were concluded as follows:

AGREEMENTS FOR 2009			
1/2009	Review and consolidation of agreements entered into at NNF and SSSBC in 1994	14 APRIL 2009	Retained
2/2009	Rules of Engagement	14 APRIL 2009	Replaced NNF Agreement 2/2009.
3/2009	Remunerative Allowances and Benefits	14 APRIL 2009	Replaced NNF Agreement 7/99.
4/2009	Daily Overtime Allowance for special events	14 APRIL 2009	Repealed.
5/2009	memorandum of understanding: organisational rights afforded to police trainees and the recognised employee organisations	14 APRIL 2009	Retained

- **Transformation Projects**

- **K53 Driving course**

K53 Driver Training has been identified as one of the major critical skills that are needed for members in the South African Police service. Therefore 600 Female SAPS members have been identified to attend K53 driving courses.

The first phase of the project has begun with the enrolment of 74 police women at 3 different Driving Schools in KwaZulu-Natal.

- **Forensic Social Workers Training**

The objective of this project was to capacitate SAPS Forensic Social Workers to effectively give evidence in child abuse cases and assessments (forensic interviewing) on children affected by crime. The duration of the Forensic Social Workers Training was four and a half days.

The Institute for Child Witness Research and Training was appointed to conduct the training.

A total of 51 Forensic Social Workers were trained and the participants found the training to be very valuable. They reported that they had gained important skills and knowledge from the presentations, video footage and group work activities.

- Library**

The library boasts a growing collection of journals and other publications dealing mainly with labour relations, review of case and employment law, as well as the analysis thereof. The library keeps a display of information such as grievance procedures, SAPS regulations and collages of study tours undertaken by Council members.

The library collection comprises of the following:

- **Reference books:** Statutes, dictionaries, public service law acts and regulations.
- **Non-fiction:** Labour relations, criminal law, employment discrimination, mediation, arbitration, auditing, accounting, biographies.
- **Annual Reports:** All SSSBC annual reports as well as those of other Councils.
- **Pamphlets:** Mainly from the International Labour Organisation (ILO)
- **Conferences:** Conferences forming part of the collection include ILO, Juta and LexisNexis.
- *Journal Collection: The library keeps a collection of journals. These include:*
 - *Industrial Law Journal*
 - *Butterworths Law Reports (Labour Law)*
 - *Butterworths Law Reports (Arbitration Awards)*
 - *The South African Law Journal*
 - *South African Labour Bulletin*
 - *Employment Law*

Butterworths Law and Arbitration has also supplied the library with a cumulative index of awards dating from 1994.

- **Subscriptions**

- *IRNetwork*

The IRNetwork keeps information such as legislation, case law and weekly comments on important case law with critical analysis of the chosen cases.

IRNetwork Daily Updates makes it possible for the library to supply Council members with information on labour and other related issues on a daily basis.

- *Juta Labour Library*

A CD-ROM which includes a cumulative list of case law, the latest regulations and acts, and amendments to existing acts, is received on quarterly basis.

Regional and International Relations

- **IIRA: 15TH World Congress in Australia**

As members of the International Industrial Relations Association, the SSSBC together with their counterparts from other public service bargaining Councils attended the 15th World Congress in Australia. The conference was held from the 24th to the 28th of August 2009. The SSSBC delegation was led by the Chairperson Mr J Mathebula.

The theme of the congress was ***“The New World of Work, Organisations and Employment”***. The congress took place in the form of plenary session tracks and workshops. All delegates attended the plenary sessions.

- **3rd Annual Global Learning Summit in Singapore**

The SSSBC received an invitation from Salvo Global to attend the 3rd Annual Global Learning Summit in Singapore. The summit dealt with new ways of thinking, trends and developments in organizational learning through case study presentations.

Other participants from the Security Sector included the Singapore Police Force, Hong Kong Police and the Singapore Prisons Service.

Notes